

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13588

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

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S32 NWNE Lot 1 Within TETON County

T06N R46E S32 NWNWSW Within TETON County

One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S35 SWNE 8.40	T06N R45E S35 SENE	25.00
	T06N R45E S35 NESE 27.00	T06N R45E S35 NWSE	18.00
	78.4 ACRES TOTAL		

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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 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 - Decreed

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

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.

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

This right is a split from former right 22-621.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 22-13588

Case No. 35976

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: South Leigh Creek, LLC
Address: 525 Oak Knoll Ave.
Menlo Park, CA 94025
Daytime Phone: 650-868-3708

Name & Address of Attorney, if any:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130, Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: South Leigh Creek, LLC
Address: 525 Oak Knoll Ave.
Menlo Park, CA 94025

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Points of Diversion**
Should be: An additional point of diversion must be added for the Desert Ditch. The property has historically received water from this ditch and the other points of diversion listed on the water right. The point of diversion for the Desert Ditch is T6N., R46E., Sec. 32, NWNWSW.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: The Water Right Recommendation only allows irrigation of 27 acres in the NESE, Sec. 35, T6N., R45E. The water right should include the entire 40 acres located within this quarter-quarter section.
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

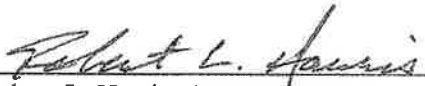
E. REASONS SUPPORTING OBJECTION(S): _____

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

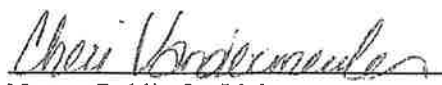
Robert L. Harris, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Robert L. Harris, Attorney

Subscribed and sworn to before me this 9th day of May, 2007.




Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of May, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

South Leigh Creek, LLC
525 Oak Knoll Ave.
Menlo Park, CA 94025

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris, Attorney

G:\WPDATA\RLH\13101-01 Bald Mtn Dev\Objection, 13588.wpd

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 22-13588Date Received 2/25/2009

Receipt Number _____

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

1. Name of Claimant(s) South Leigh Creek, LLC Phone (208) 868-3708

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

2. Date of Priority (Only (1) per claim) Jan. 22, 1916

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

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 6N Range 46E Section 32, 1/4 of NW 1/4 of NE 1/4, Govt. Lot 1,
County of Teton - Killpack Ditch

Additional points of diversion if any: T6N, R45E., SEC. 36, SENW - Kofoed Ditch
T6N., R46E., SEC. 31, SWNW, Govt. Lot 2 - Beard Ditch
T6N., R46E., SEC. 32, NWNWSW - Desert Ditch

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. Headgates & ditches.

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

For Irrigation purposes from 04/15 to 10/31 amount 0.4 cfs or _____

7. Total quantity claimed (a) 0.4 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

9. 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.

COMBINED PLACE OF USE FOR: 22-366B, 22-367B, 22-611A & 22-13588.

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	35			8.4	25									40	18			91.4

Total number of acres irrigated 91.4

10. In which county(ies) are lands listed above as place of use located? Teton
11. 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.
12. Describe any other water rights used at the same place and for the same purposes as described above.
22-366B, 22-367B & 22-611A or None ()
13. Remarks:
Depending upon water availability, water is diverted through one of four ditches to the place of use described above.
14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number 22-13588
Court Case Number Decree Date 12/16/1910
Plaintiff vs Defendant Rexburg Irrigation Co., et al. v. Teton Irr. Canal Co.

Last Name South Leigh Creek Ident. Number 22-13588

15. 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 Organizations: I do solemnly swear or affirm under penalty of perjury that I am attorney of South Leigh Creek, LLC, that I have signed the foregoing document in the space below as attorney of South Leigh Creek, LLC and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Robert L. Harris

Title and Organization Attorney, South Leigh Creek, LLC Date February 24, 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 PO Box 50130, Idaho Falls, ID 83405-0130

Date Feb. 24, 2009



Idaho Department of Water Resources

Adjudication Claim:

22-366B

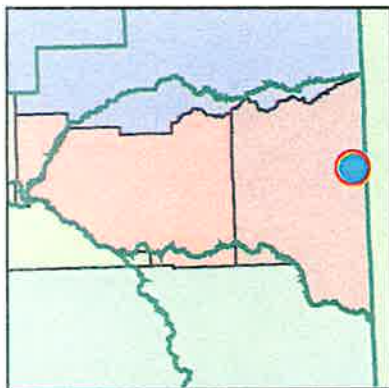
22-367B

22-611A

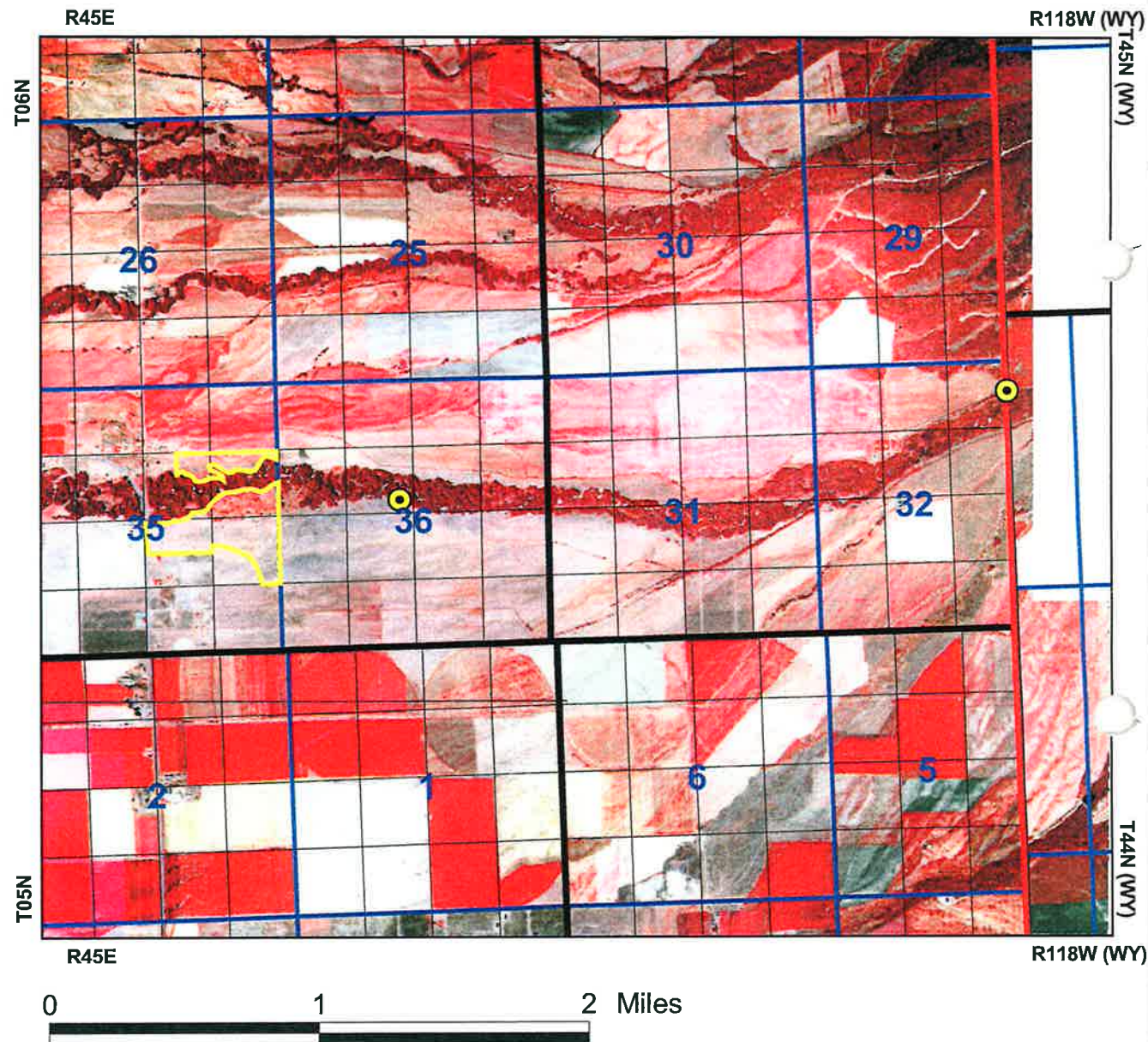
22-13588

Legend

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



Teton County
IDWR Basin 22



Prepared by K. Moore
On Thursday, June 22, 2006
1987/88 Aerial Photography

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 22-13588
Date Received: 9/25/2006
Receipt No: E032260
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 01/22/1916

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	45E	36	SE	SW	NW	TETON	

5. Description of diverting works:

DITCH AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.4	

7. Total Quantity Appropriated is:
0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED

JUN 21 2007

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	45E	35	SW	NE		IRRIGATION	8.4
			SE	NE		IRRIGATION	25
			NE	SE		IRRIGATION	27
			NW	SE		IRRIGATION	18
						Section Acres	78.4
						Total Acres	78.4

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

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JUN 21 2017

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 22-13588

Date Received 9-25-06

Receipt Number 6032260

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) South 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 22, 1916

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

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 6N. Range 45E. Section 36, SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____,
County of Teton

Additional points of diversion if any: SWNW, Sec. 35, T. 06N, 45E

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. Ditch and headgate.

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

For Irrigation purposes from 04/01 to 10/31 amount .40 cfs or _____

7. Total quantity claimed (a) .40 (cfs) and/or (b) _____ (acre feet)

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

SCANNED

JUN 21 2007

RECEIVED

SEP 22 2006

Department of Water Resources
Eastern Region

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.

Claimant claims the ability to irrigate 20 acres within the following permissible place of use.

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	35			8.4	25									27	18			78.4

Total number of acres irrigated 78.4

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. 22-621, which is currently in the name of RE Thomas. Based on the water rights back file, the original place of use was for approximately 40 acres in the NWSE of 6N, 45E, Sec. 35. Claimant owns the N1/2 of this quarter-quarter section (20 acres).

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number 22-621A
Court _____ Case Number _____ Decree Date 01/23/1938
Plaintiff vs Defendant Leigh Creek Canal Co. V. Lynn Crandall, W.M.

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 _____

SCANNED

JUN 21 2007

Last Name South Leigh Creek, LLC Ident. Number _____

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

Signature of Authorized Agent William K. Foster
MANAGING MEMBER

Title and Organization SOUTH LEIGH CREEK LLC Date 8/30/06

State of Idaho CALIFORNIA

County of SAN MATEO) SS.

Subscribed and sworn (or affirmed) before me this 30 day of August, 2006.



Notary Public [Signature]
Residing at MENLO PARK, CA
My Commission Expires 6/1/08

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 PO Box 50130 Idaho Falls, ID 83405
Date Sept. 14, 2006

G:\WPDATA\RLH_South Leigh Creek, LLC\CLAIM.22-621.wpd:rdv

Last Name South Leigh Creek, LLC Ident. Number _____

SCANNED

JUN 21 2007