

03/30/2010

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

RIGHT NUMBER: 22-13639

NAME AND ADDRESS: KEVIN THIBEAULT
PO BOX 647
DRIGGS ID 83422

DEB THIBEAULT
PO BOX 647
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: 04/15/1938

POINT OF
DIVERSION:

T05N R45E S36 NWNWNE Within TETON County
T05N R45E S36 SENENW 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	0.460 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S35	NESW	18.00	T05N R45E S35	NWSW	5.10
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23.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 23.1 acres in a single irrigation season. Combined Right Nos.: 22-79H and 22-13639.

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 - Beneficial Use

added (Water is conveyed through a side channel of Teton Creek, with the beginning of the side channel located at T5N R45E S25 SWSE.)



Idaho Department of Water Resources

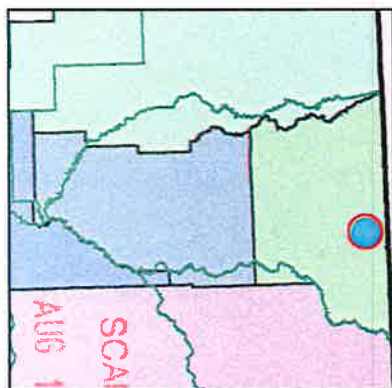
SRBA Recommendation:

22-13639

(Irrigation)

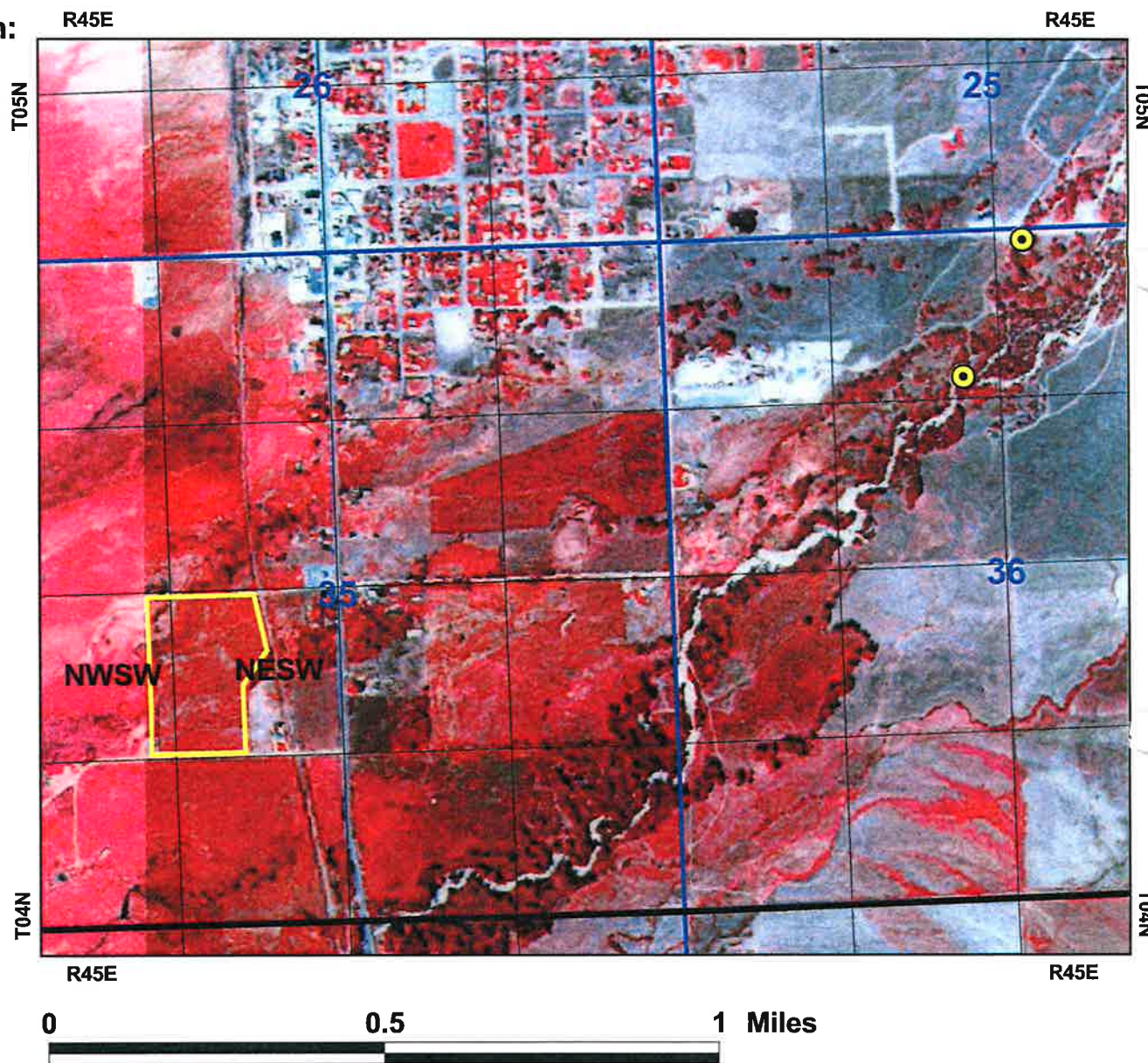
Legend

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



Teton County
IDWR Basin 22

Prepared by K. Moore
On Monday, December 18, 2006
1987/88 Aerial Photography





Idaho Department of Water Resources

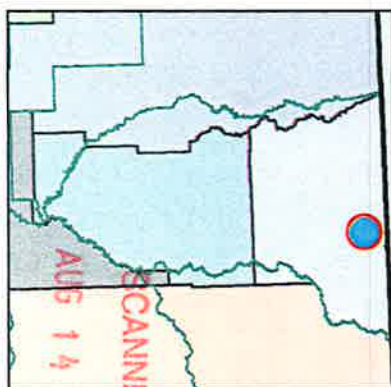
SRBA Recommendation:

22-13639

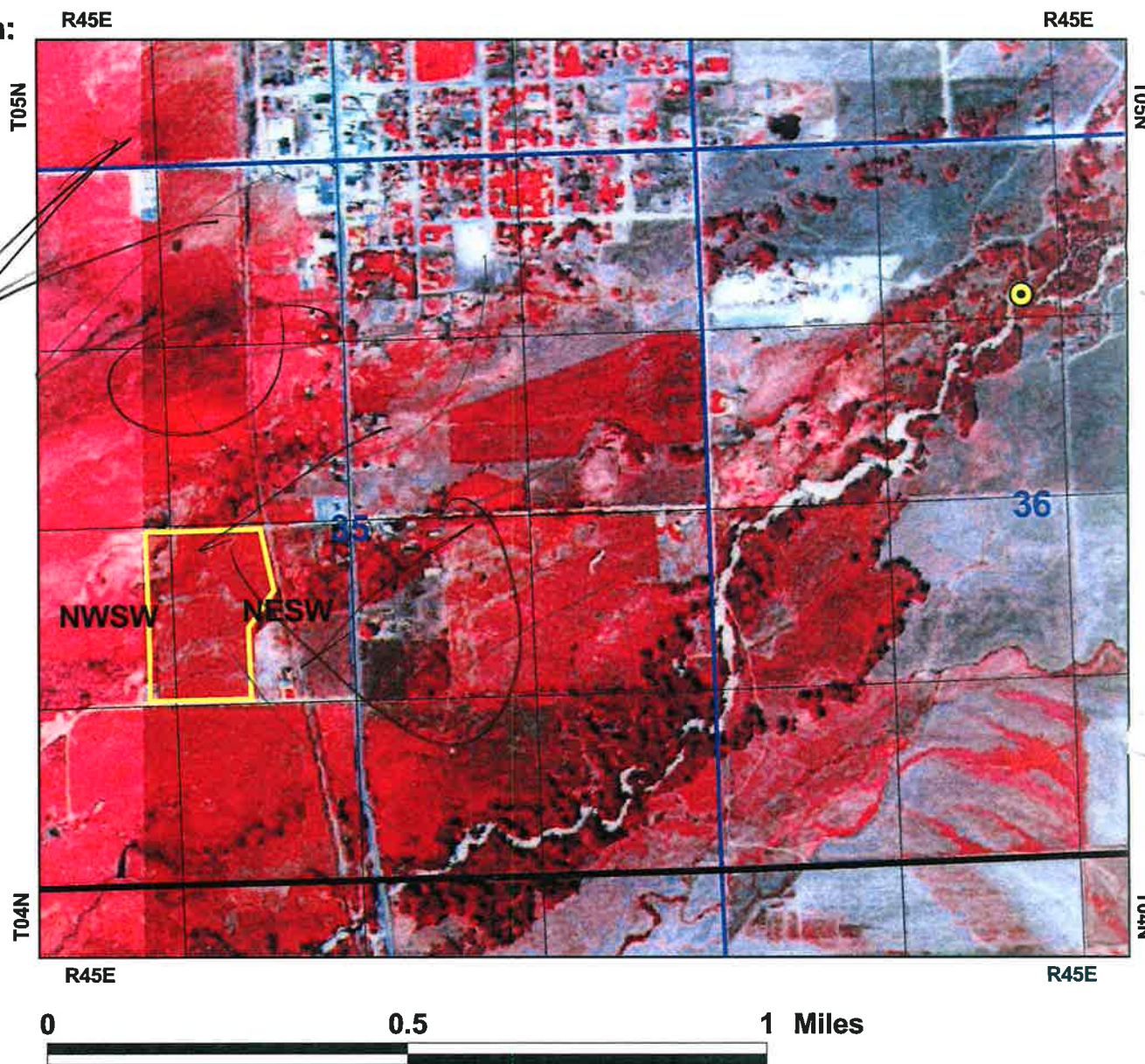
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by K. Moore
On Monday, December 11, 2006
1987/88 Aerial Photography

12/11/06

Dear Sirs:

I have been asked to write my
recollections of water delivery out of Teton
Creek for land that has been irrigated
from spring and is located southwest
of Driggs.

Early each spring water was delivered from
Teton Creek through ditches to ground level
and west of State Highway 33 for flood
irrigation. Once the water was used it
would take 7-10 days for the spring water
south and southwinds of Driggs to come
in. The land is currently owned by
Pace, Weston, Herms, and others
of this water isn't diverted from Teton
Creek and used in this area, the spring
and sub water won't come in. That
has been my experience during the time
I was watermaster (1978-2000)

Sincerely,
Lee O'Brien

SCANNED
AUG 14 2009

AFFIDAVIT

State of Idaho

County of Teton

I am currently 88 years of age, born in the year of 1918, and lived in Teton County Idaho for 88 Years. I am personally aware of water being diverted from Teton Creek for the use of flood irrigation of crops and land in Section 25, Range 45E, Tship 5N and in Section 36, Range 45E and Tship 5N. Both diversions have been improved and maintained. The associated ditches used are still in existence and have been improved and maintained on a yearly basis. The location of use is in Section 35, Range 45E, Tship 5N.

To the best of my ability I can remember water being diverted from these two points in June of 1948 for the use of irrigation and spring sub-water.

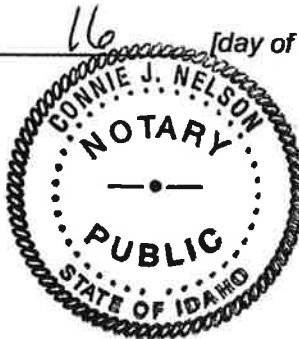
Geo-Jensen
[signature of affiant]

GEORGE JENSEN
[typed name of affiant]

P.O. Box 223 DRIGGS, IDAHO 83422
[address of affiant]

Subscribed and sworn to before me, this 16 [day of month] day of Dec [month], 2006.

[Notary Seal:]



Connie J Nelson
[signature of Notary]

Connie J Nelson
[typed name of Notary]

NOTARY PUBLIC

My commission expires: 1-20, 2010.

SCANNED
AUG 14 2008

TO

Cindy Bird

ph. 547-3993

From

Alvie Christensen

Total pages 8 (other pages were claims and PDRs of 22-11970)

please call me if you have any
questions.

208-745-6134.

Thanks

Change Priority date to 1938
based on this affidavit

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AUG 14 2008

AFFIDAVIT concerning right number
22-11970

The undersigned certifies that he/she witnessed that the land described below was purchased by C. Elmer Christensen, herein Grantee from Lulu R. Robertson, herein Grantor, which was recorded on October 4, 1937 in the County of Teton, Idaho as Instrument 31295 and was being irrigated from Teton Creek and Buffalo Flats Springs from the date of purchase.

NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

Northeast Quarter of the Southeast Quarter (NE 1/4 , SE 1/4), Section 35, Township 5 North, Range 45 East of the Boise Meridian.

See attachment A:

Date: December 7, 2006

Florence B. Mathews
Florence Mathews



State of Idaho }
County of } ss.

On this 7 day of December, in the year 2006, before me, a Notary Public in and for said state, personally appeared Florence Mathews known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Stefani Bennett
Notary Public for the State of Idaho
Residing at:
Commission Expires:

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U.S. Bank
AUG 11 2009
3/15/2012

December 7, 2006

Attachment A:

A. J. Alvord (Christensen) Alvord was born in Alta,
Wyoming east of Bridge, State June 19, 1927.
to Glen and Margaret Christensen. I am an
older sister to Alice E. Christensen.

Our family moved into this farm in 1932
so we could go to school in Bridge. We pumped
water from a hand pump that water that was
over paid to have water from Teton Creek to water
cattle and ~~water~~ for irrigation the following years.
I do not remember if my father made the canal
from Teton Creek to our property or if it was in
Alvord's piece to 1938. I do know we irrigated
this property in 1938.

Frances E. Alvord



Stefani Bennett
U.S. Bank
3/15/2012
Jenny Deliver Del

SCANNED

AUG 14 2009

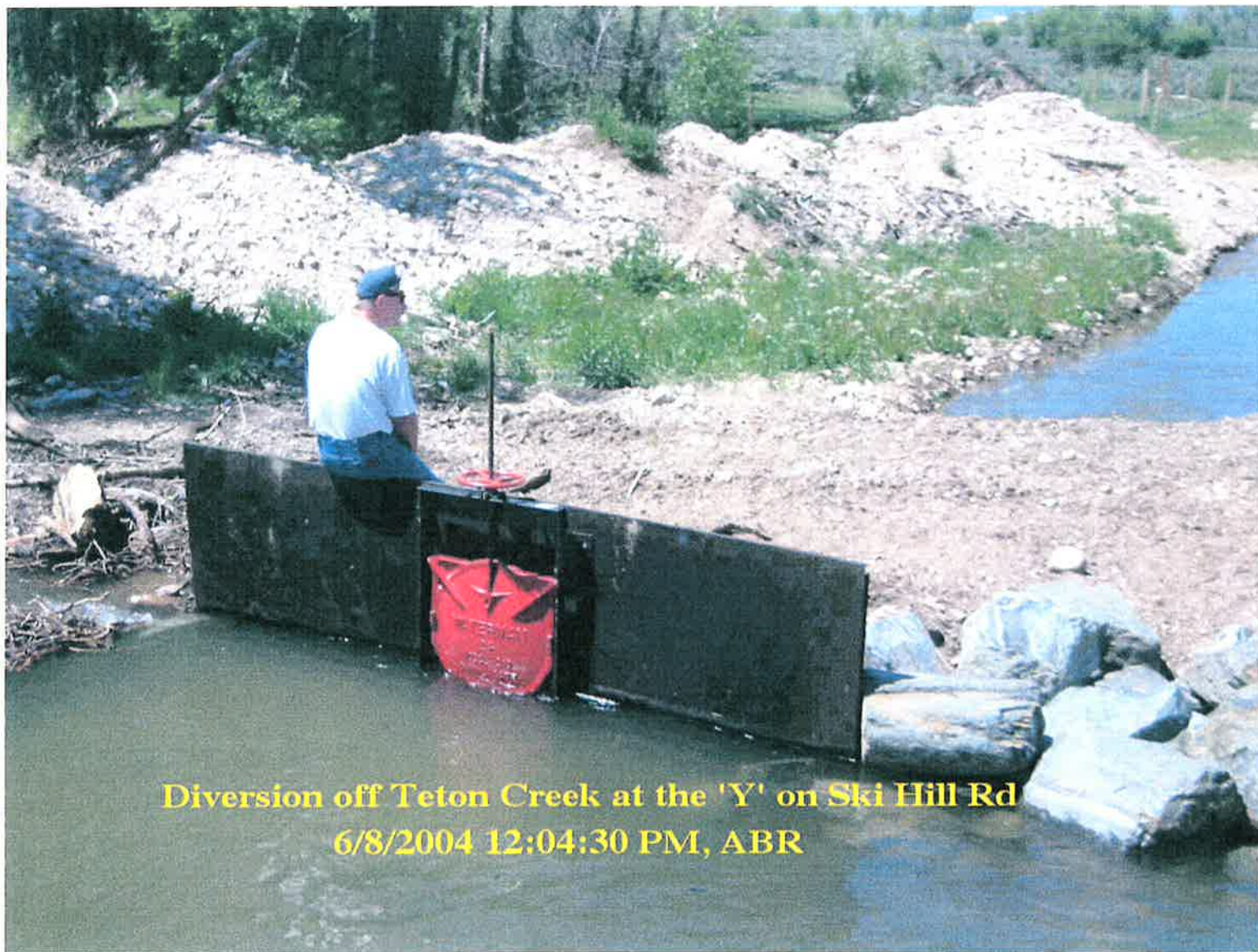
Kevin Thibeault. New claim,
12/5/06 Alvie Christensen is.
will send in affidavits on his
ground to the east of Kevin. Kevin
purchased this ground from Alvie
Christensen. Alvie Christensen's
Claim. # 22-11970.

- Alvie submitted a deed on 12/5/06.

According to Notes on 22-11970 recommendation report, recommending
this right w/ same priority date ⁽¹⁹⁵⁰⁾ as Alvie Christensen. When
the affidavit is received, then the date can be changed.

SCANNED

AUG 14 2008



A0013608

SCANNED
AUG 14 2003

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 22-13639
Date Received: 12/8/2006
Receipt No: E032463
Received By:

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

1. Name of Claimant(s)

KEVIN THIBEAULT Phone: (208)354-8143
PO BOX 647
DRIGGS ID USA 83422

DEB THIBEAULT Phone: (208)354-8143
PO BOX 647
DRIGGS ID USA 83422

2. Date of Priority: 04/15/1938

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	25	SE SW SE	TETON	
05N	45E	36	NE NW	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.46	

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

8. Total consumptive use:

SCANNED

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	35	NE	SW	IRRIGATION	18
			NW	SW	IRRIGATION	5.1
					Section Acres	23.1
					Total Acres	23.1

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: Beneficial Use

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AUG 14 2008

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:

Ident. Number

Date Received

Receipt Number

39576

22-13639

EO32463

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s)

KEVIN & DEBRA THIBEAULT

Phone (208)

359-8922

Mailing Address

P.O. Box 647 Driggs

Zip

83422

2. Date of Priority (Only one (1) per claim)

1938 APRIL 15

3. Source of water supply (a)

TETON CREEK

which is tributary to (b)

TETON RIVER

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

TSN

Range

R4SE

Section

25

SE

1/4 of SW

1/4 of SE

1/4, Govt. Lot,

B.M., County of

TETON

Additional points of diversion if any:

TSN R4SE NENW S36

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 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.

#1. PICTURE OF DITCH BY "Y" SEE FILE A2200079H.

#2 GATED Diversion TAG NO. A0613609 (Picture)

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AUG 14 2008

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount .46 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .46 (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:

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	
<u>5N</u>	<u>45E</u>	<u>35</u>									<u>18.0</u>	<u>5.1</u>							<u>23.1</u>

Total number of acres irrigated 23.1

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.
22-79H or None ()

14. Remarks:

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AUG 14 2008

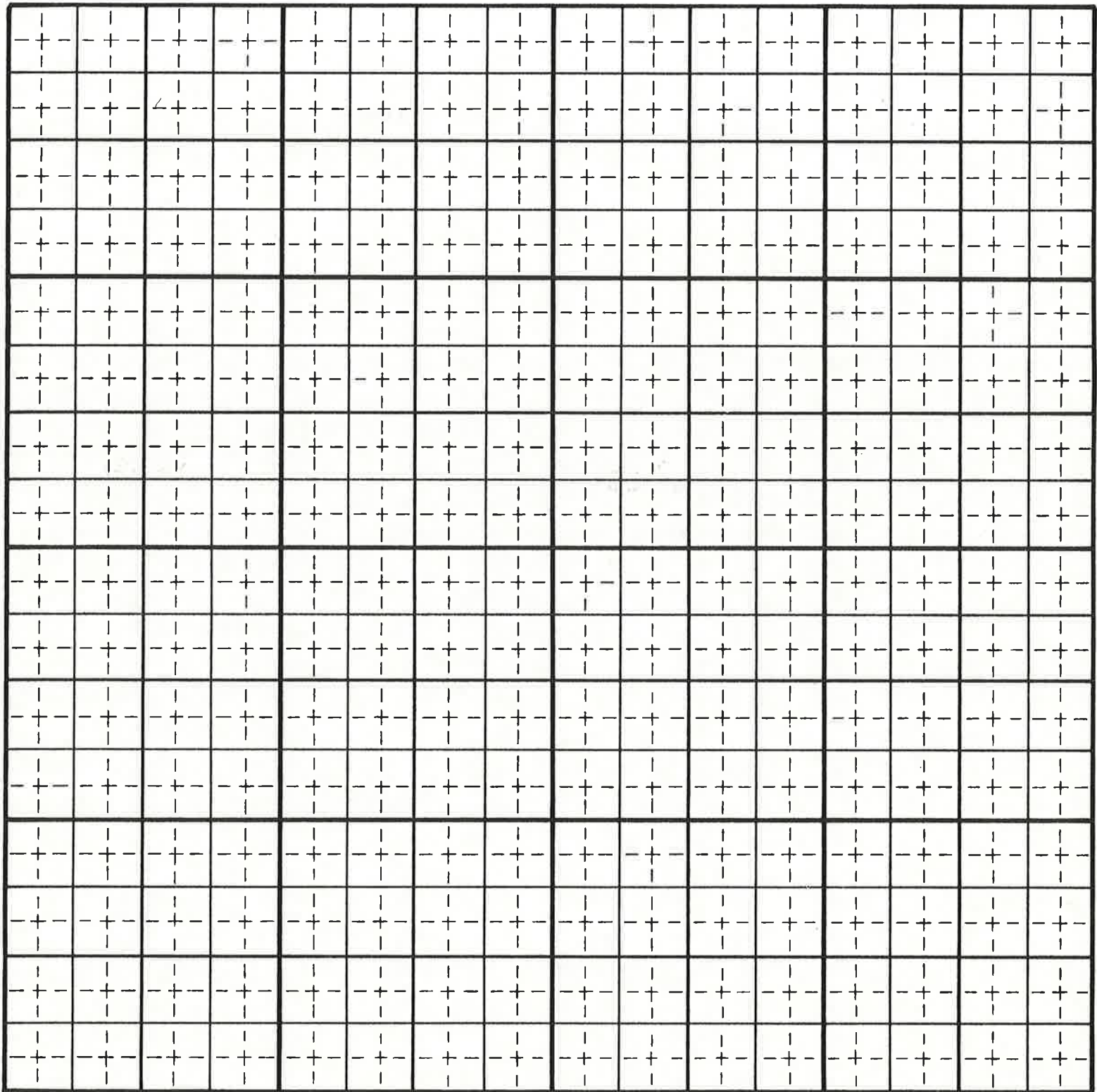
Last Name Thibeault Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

IS IN FILE A2200079H



SCANNED

AUG 14 2008

Last Name Thibeault

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree Ben
If applicable provide IDWR Water Right Number _____
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 _____

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

Signature of Claimant (s) Kevin J. Thibeault

Date 12/5/06

Date _____

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 _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 5th day of December, 2006



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name

Cindy E. Bird

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 _____

SCANNED

AUG 14 2008

Last Name Thibeault Ident. Number _____

Copies White-State, Yellow-Claimant

12/18/2006

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

RIGHT NUMBER: 22-13639

NAME AND ADDRESS: KEVIN THIBEAULT
PO BOX 647
DRIGGS ID 83422

DEB THIBEAULT
PO BOX 647
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION:

T05N R45E S36 NWNWNE Within TETON County

T05N R45E S36 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.460 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S35

NESW

18.00

T05N R45E S35

NWSW

5.10

23.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 23.1 acres in a single irrigation season. Combined Right Nos.: 22-79H and 22-13639.

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 - Beneficial Use

12/11/2006

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

RIGHT NUMBER: 22-13639
NAME AND ADDRESS: KEVIN THIBEAULT
PO BOX 647
DRIGGS ID 83422

DEB THIBEAULT
PO BOX 647
DRIGGS ID 83422

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: ~~04/01/1950~~ changed to 1938

POINT OF DIVERSION: T05N R45E S36 SENENW 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	0.460 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S35 NESW 18.00	T05N R45E S35 NWSW	5.10
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/13/2006

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

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QUANTITY: 0.460 CFS
PRIORITY DATE: 04/15/1938
POINT OF DIVERSION:

T05N R45E S36 SENENW 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	0.460 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S35	NESW	18.00	T05N R45E S35	NWSW	5.10
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