

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Teton—ss.

I, Eleanor L. Hermes
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News a news-
paper as defined by Idaho Codes
Annotated, Section 58-106, as amend-
ed, and that said newspaper is a
weekly newspaper printed and pub-
lished at Driggs, in Teton County,
Idaho, having a general circulation
in said county, and that said news-
paper has been printed in said county
for more than 78 consecutive weeks
prior to the first publication of the
attached notice, advertisement or
publication of

Notice of Application

And affiant further says that said
attached notice, advertisement or
publication, as per clipping attached,
was published in said newspaper, in
the regular and entire issue thereof,
and not in any supplement issue

thereof, for 3 consecutive issues
thereof; first publication having been

made on the 28 day of
November, 19 63

and last publication on the 12
day of Dec, 19 63

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at least
seventeen and three-fourths inches
deep.

Eleanor Hermes

Subscribed in my presence and

sworn to before me this 13 day

of December, 19 63

W. H. Long

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

March 7, 19 66

PUBLIC NOTICE

NOTICE OF APPLICATION
For Permit to Appropriate the
Public Waters of the State of
Idaho, in Accordance With The
Provisions of Section 42-203,
Idaho Code

NOTICE IS HEREBY GIVEN,
That SPRING CREEK & LOWER
NORTH LEIGH CREEK WATER
USERS ASSOCIATION, INC., of
Rexburg, Idaho, has made appli-
cation No. 39493, on the 18th day
of September, 1963, which was
returned to the applicant for
further information and complet-
ed application received Novem-
ber 19, 1963, for 36.10 cubic feet
per second of the waters of
Badger Creek for irrigation pur-
poses.

That the point of diversion is
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12,
Township 6 North, Range 45 East
Boise Meridian, and the place of
use in Sections 11, 19, 20, 22, 23,
28, 29, 30, 31, 32, 33, 34, T.
6 N., R. 45 East B. M.; Section
1, Township 5 North, Range 44
East, B. M.; Sections 23, 24, 25,
26, 35, 36, Township 6 North,
Range 44 East, B. M.

That any protests against the
approval of this application must
be filed in the Department of
Reclamation, Boise, Idaho, with-
in forty (40) days from the date
of notice, and such protest shall
state the name and address of
the protestant, and shall clearly
set forth his objection to the
approval of said application.

Dated this 22nd day of Novem-
ber, 1963.

CARL E. TAPPAN

State Reclamation Engineer

Date of First Publication: No-
vember 27, 1963

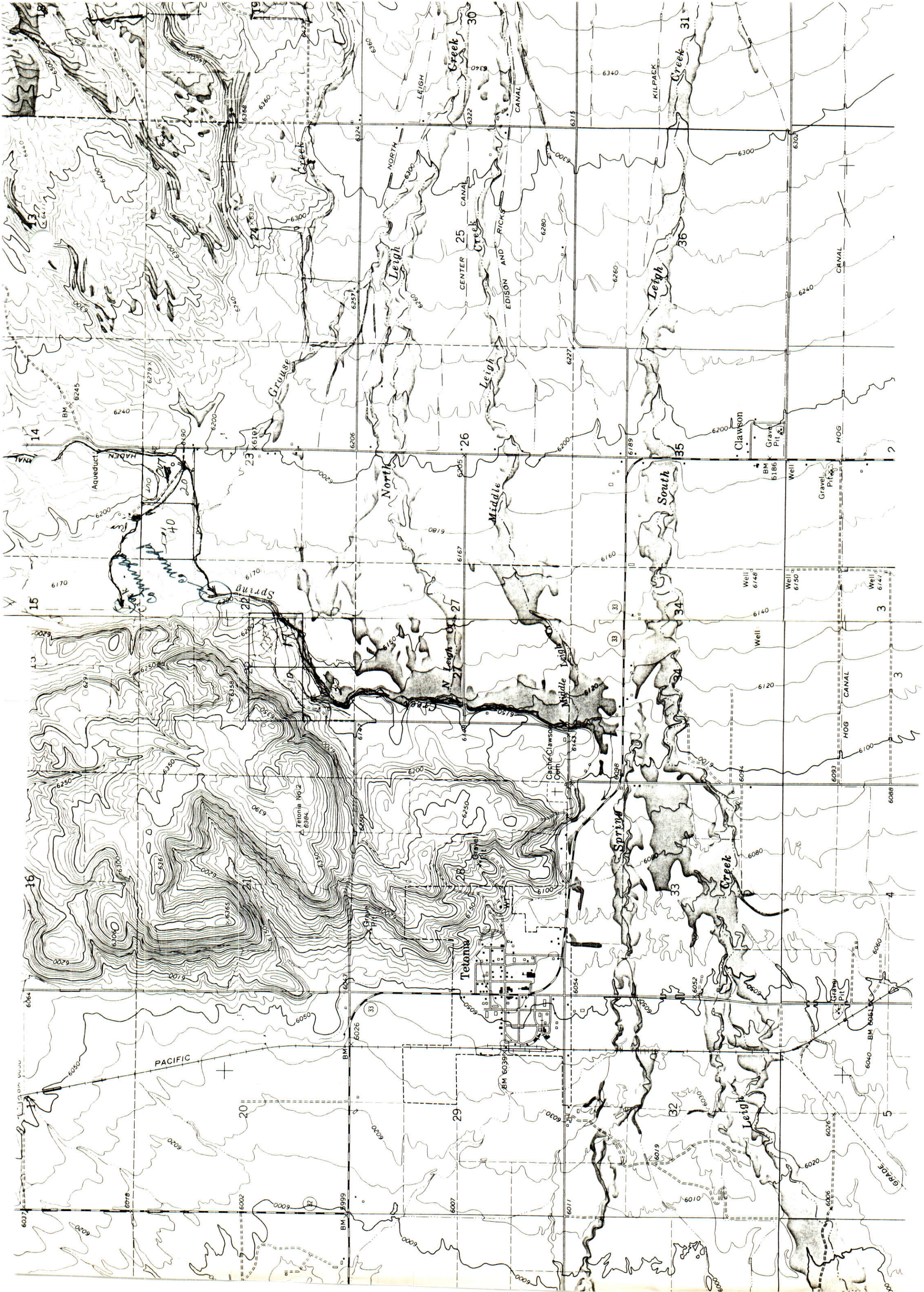
Date of Last Publication: De-
cember 12, 1963

Last Date for Protest: January
2, 1964.

SERVICE OF THE FOREGO-
ING, by copy is hereby acknowl-
edged this 26th day of Novem-
ber, 1963.

SPRING CREEK & LOWER
NORTH LEIGH CREEK
USERS ASSOCIATION, Inc.
By ADRIAN H. COOK
President

22-7008



TWP. 5N 46N

RANGE

4E

COUNTY

TETON

SCALE: 1" = 1 MILE

36

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36 40 40 39

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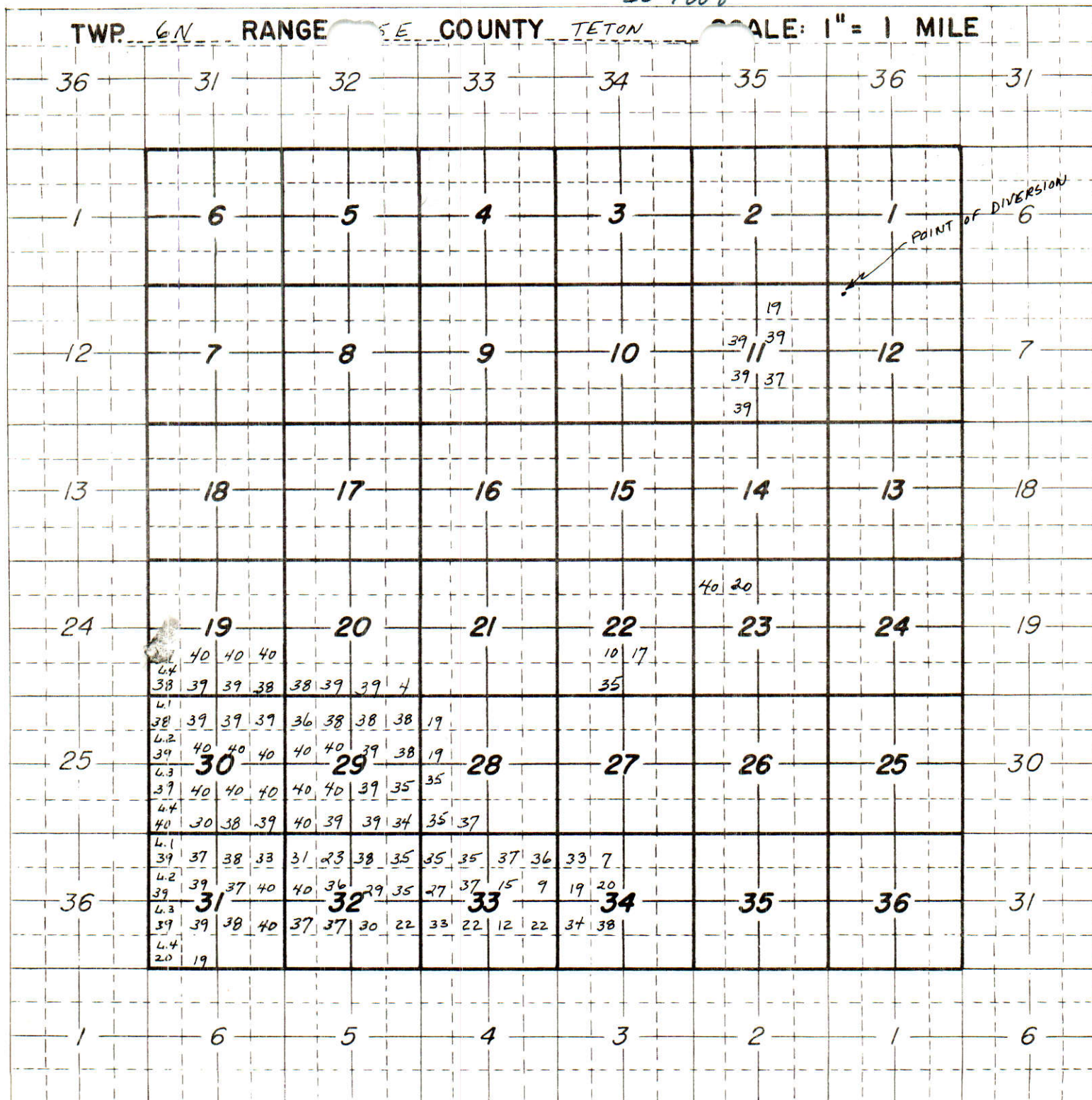
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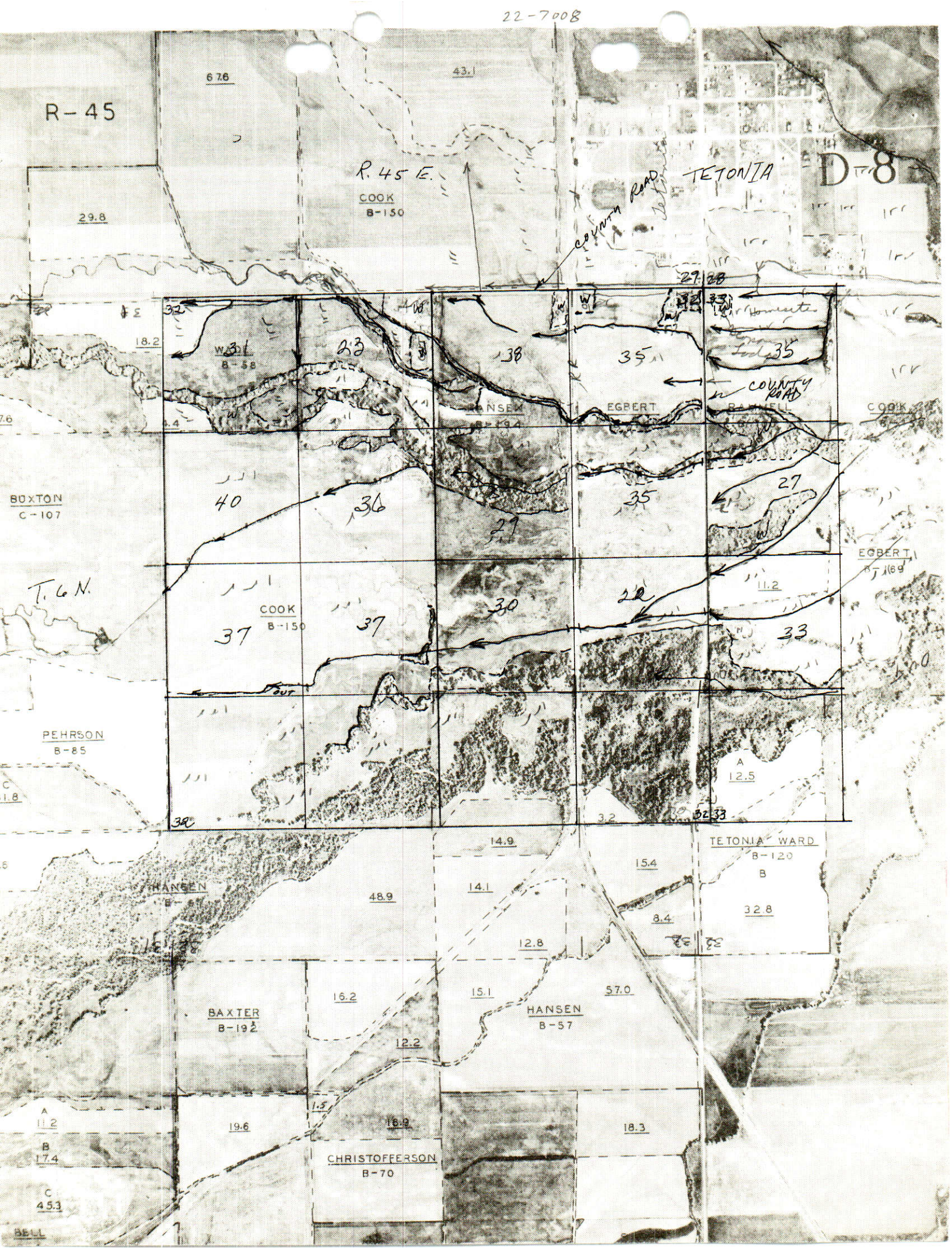
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22-7008

TWP. 6N RANGE 5E COUNTY TETON SCALE: 1" = 1 MILE

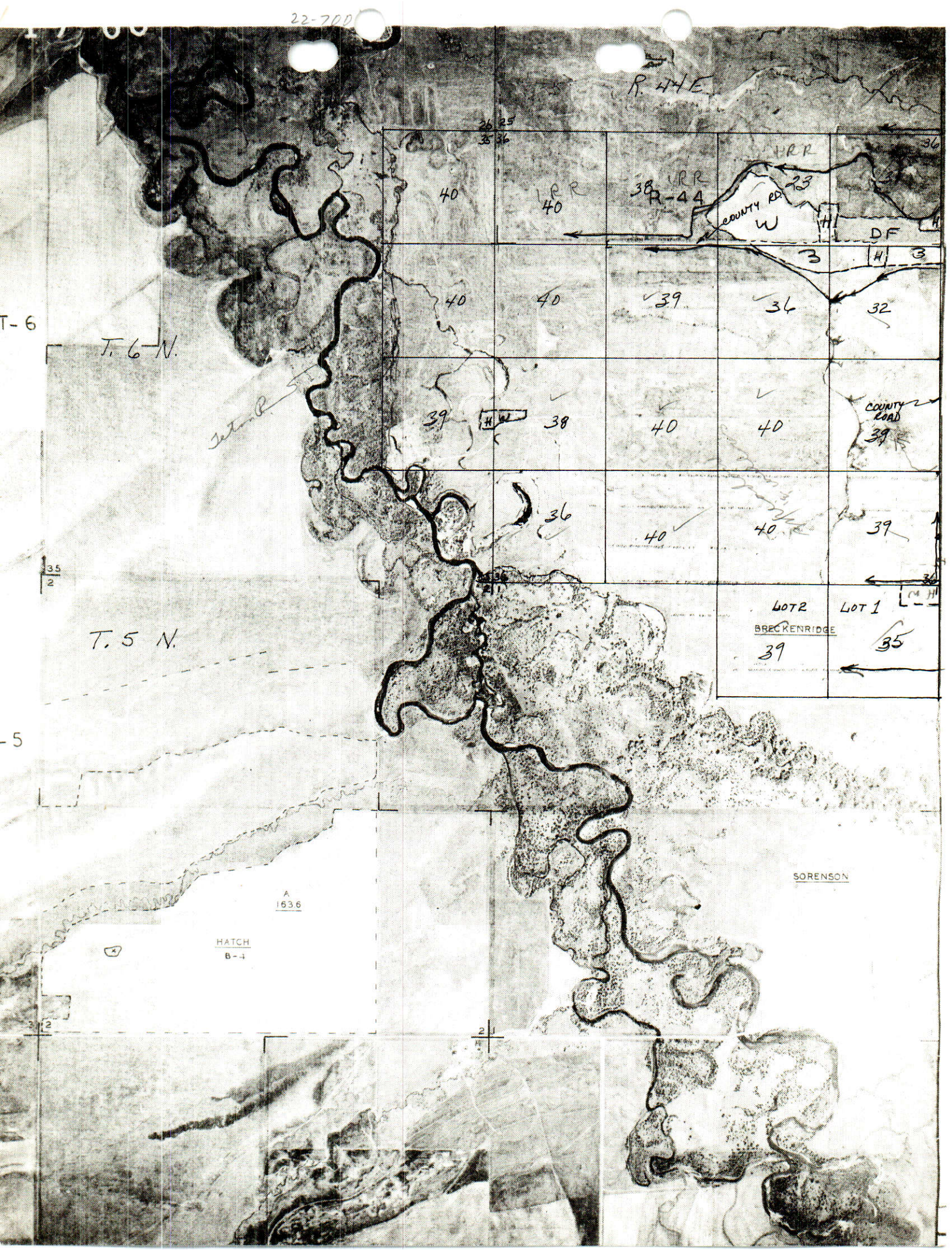


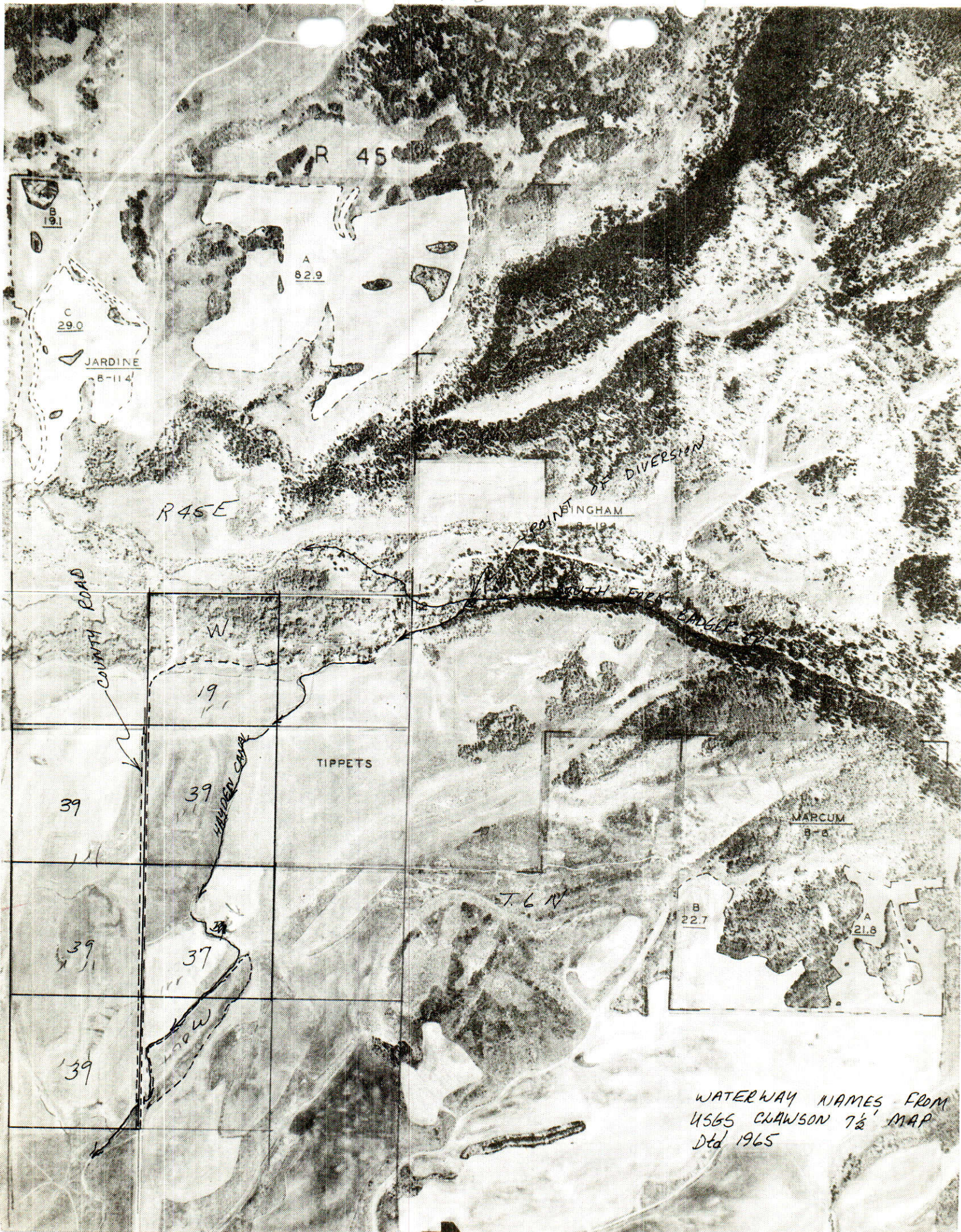




22-7008







R-44

R. 44E

W. Teton River

6
T.
6
N.



R-45 E

R-45 E

COUNTY ROAD

30.29

33

LOT 1

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37

38

LOT 2

39

39

37

40

LOT 3

39

39

38

40

LOT 4

20

19

16.3

31.8

T. 6 N.

H. Gault

F. B. Hanson

B-194

R. Egbert

B-14

F. E. Hanson

B-67

F. Hanson

B-50

Christofferson

B-70

Bell

B-19

E. Gee

18.43

15.22

18.58

18.50

16.73

21.8

19.5

7.8

8.1

36.0

17.9

6.5

6.5

6.5

6.5

6.5

6.5

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7008 Priority Sept. 18, 1963 Amount 36.10 cfs

THIS IS TO CERTIFY, that Spring Creek & Lower North Leigh Creek Water Users Assn. Inc.
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7008 issued pursuant to Application for Permit dated September 18, 1963,
and has submitted proof to the Department of Water Resources on April 2, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 46.60 cfs of water from Badger Creek,
tributary to Teton Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	at <u>36.10</u> cfs and	<u>13,081 acre feet or</u> <u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 36.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
13,081 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12,
Twp. 6 N, Rge. 45 E, B.M. in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			See Land List Attachment																

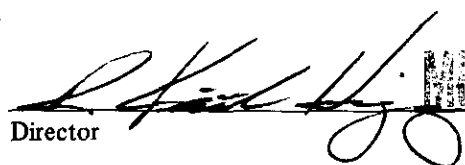
Total number of acres irrigated 5,592

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
March, 19 75.


Director

License No. 22-7008
LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated 5,592

Address all communications to

Mary Smith, Attorney

P. O. Rexburg, Idaho

APPROVED

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED

SEP 18 1963

Department of Reclamation

Application No. 39493

Permit No. 22-7008

District No.

1. Name of Applicant: Spring Creek & Lower North Leigh Creek Water Users Association, Inc.

Post Office address: c/o Mary Smith, Rexburg county Madison State Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation: Idaho, May 22, 1962

(b) Amount of Capital stock: \$ 10,000.00 (c) Amount paid in: \$ 3,777.00

(d) Names and addresses of directors: Adrian H. Cook, Dale L. Breckenridge and Elmer Beard, Teton, Idaho

The financial resources of the applicant are: (a) Cash on hand: \$ 324.00

(b) Treasury stock: 6,223 shs (c) Bonds to be issued: None

(d) Other resources: Irrigation system.

2. Quantity of water claimed: 3777 Miner's In. or 75.54 cfs (allow 36.10 c.f.s.) cubic feet per second

3. Source of water supply: Badger Creek - early spring high water

which is tributary of Teton Cr.

4. Location of point of diversion: 400' E & 100' S feet distant from the NW corner

of Section 12, Twp. 6 N, Rge. 45 E, B. M., and is in the NW 1/4

of Section 12, Twp. 6 N, Rge. 45 E B.M., County of Teton

5. Water is to be used for: Irrigation.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

Twp., Rge., B. M., in the of Section, Twp., Rge., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, Twp., Rge., B. M., in the

of Section, Twp., Rge., B. M.

7. Estimated cost of works: \$ 18,500.00

8. Kind of works: Canal System

(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 8 feet; length of dam at top 16 feet; length of dam at bottom 16

feet; material used in dam logs & straw. (This dam will be eliminated when new concrete box is built which will require no dam material.)

10. Size of headgate: Width 10 feet; Height 4 feet

11. Ditch: Width at bottom 10 feet; Width at water line feet; Depth of water 1.8 feet;

Dimensions of flume: pipe is for 3 drop str. used in canal system. Diameter of pipe 30 CMP inches; (this

Length of conduit 960 feet miles. Average grade per mile .2% feet.

22-7008

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated **6130**

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: _____

See attached exhibit in file. Total 4325 inches or 26.5 CFS

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: Construction of canal has been completed.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.
**SPRING CREEK & LOWER NORTH LEIGH CREEK
WATER USERS ASSOCIATION, INC.**

ATTEST:

Ralph H. Nye
Secretary

Adrian H. Cook Applicant.
By Adrian H. Cook President, ~~Asst.~~***

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
County of _____) ss.

On this _____ day of _____, 195____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____ Notary Public.

22-7008

Received by _____ Date _____ Time _____

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by C9A

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7008, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

APPROVED

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before APRIL 1, 19 73.
- c. Other: Maximum rate of diversion shall not exceed 36.10 c.f.s. The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 25 day of April, 19 68.

R. Keith Higgins
State Reclamation Engineer

Title
of
Case

Source

Page /

Water Dist.

County

Judicial Dist.

Judge

Date of Decree

Recorded
in Book No.

at Page No.

File No.

DECREE INDEX

NAME	AMOUNT INCHES OR SECOND FEET	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.
			SUBDIV.	SEC.	TWP.	RG.	
P.S. RAMMELL		NONE					3 1/2 SW 1/4 Sec 20-6-45
RICHARD EGBERT	30 35	1896 1897	SE 1/4 NE 1/4 33	6	45	45	E 1/2 NE 1/4, N 1/2 NE 1/4 SE 1/4 Sec 32-6-45
"	40	1897	SW 1/4 NE 1/4 33	6	45	45	NW 1/4 SE 1/4 Sec 32-6-45
EMMA HANKS	40	1897	NONE LISTED				NE 1/4 NW 1/4 Sec 32-6-45
"	40	1899	"	"	"	"	SE 1/4 NW 1/4 Sec 32-6-45
FRANKLIN B. HANSEN	40	1897	"	"	"	"	NW 1/4 NE 1/4 Sec 32-6-45
"	40	1899	"	"	"	"	SW 1/4 NE 1/4 Sec 32-6-45
EMMA HANKS	80	1897	NW 1/4 SE 1/4 32	6	45	45	SW 1/4 NW 1/4, N 1/2 NW 1/4 SW 1/4 32-6-45
DEAN WADE	90	1898	NE 1/4 NW 1/4 32	6	45	45	N 1/2 NE 1/4 SW 1/4, 32-6-45
ADRIAN COOK	80	1896	SW 1/4 NE 1/4 33	6	45	45	NW 1/4 NW 1/4, Sec 32-6-45, NE 1/4 NE 1/4, SE 1/4 NW 1/4 NW 1/4 Sec 31-6-45
"	80	1897	NW 1/4 NE 1/4 32	6	45	45	W 1/2 SE 1/4 Sec 29-6-45
ELMER BEARD	100	1898	NE 1/4 NW 1/4 32	6	45	45	E 1/2 SW 1/4 Sec 29-6-45
"	120	1897	SW 1/4 SW 1/4 29	6	45	45	W 1/2 SW 1/4 Sec 29-, SE 1/4 SE 1/4 Sec 30-6-45
CLIFTON MUIR	100	1903	"	"	"	"	N 1/2 S 1/2 Sec 30-6-45
LORIN WIDDISON	120	1896	"	"	"	"	NE 1/4 Sec 30-6-45
MILES HANSEN	25	1898	"	"	"	"	NW 1/4 Sec 30-6-45
"	80	1898	SW 1/4 SE 1/4 30	6	45	45	SW 1/4 SE 1/4 Sec 30-6-45
"	40	1898	NW 1/4 SE 1/4 32	6	45	45	SE 1/4 SW 1/4 Sec 30, NE 1/4 NW 1/4 Sec 31-6-45
FERREL BLXTON	80	1897	"	"	"	"	SE 1/4 NW 1/4 Sec 31, 6-45
GEORGE PEMERSON	NONE						S 1/2 NE 1/4, W 1/2 NE 1/4 NW 1/4 NE 1/4 Sec 31-6-45
WESTERN ENTERPRISE	40	1903	NW 1/4 SE 1/4 32	6	45	45	N 1/2 SE 1/4 Sec 31-6-45
							NE 1/4 SW 1/4, N 1/2 SE 1/4 SW 1/4 Sec 31-6-45

22-7008

Title
of
CaseSource BADGER CREEK, NORTH LEIGH CREEK
SOUTH LEIGH CREEK, SPRING CREEK
Water Dist. _____ County _____Page 12

Judicial Dist. _____

Judge _____

Date of Decree _____

Recorded
in Book No. _____

at Page No. _____

File No. _____

DECREE INDEX

NAME	AMOUNT INCHES OR SECOND FEET	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.
			SUBDIV.	SEC.	TWP.	RG.	
BM TIBBITS + SON	50 in	1902	NW 1/4 12	6	45		SW 1/4 NE 1/4, S 1/2 NW 1/4 Sec 11-6-45
L.P. HATCH	20 in	1902	"	"	"		W 1/2 NW 1/4, Sec 11-6-45
JAMES SHAW	80 in	1902	"	"	"		SE 1/4 NW 1/4, NE 1/4 SW 1/4 Sec 11-6-45
DAVE BEARD	40 in	1902	"	"	"		SE 1/4 SW 1/4 Sec 11-6-45
"	40 in	1902	"	"	"		NW 1/4 NW 1/4 Sec 33-6-45
"	20 in	1902	"	"	"		S 1/2 NE 1/4 NW 1/4 Sec 33-6-45
HERB PHILLIPS	20 in	1901	NW 1/4 SE 1/4 22	6	45		S 1/2 NW 1/4 SE 1/4, SE 1/4 NE 1/4 SW 1/4, SE 1/4 SW 1/4 Sec 22-6-45
WILLIAM HANSEN	80 in	1901	NE 1/4 26	6	45		SE 1/4 SW 1/4 Sec 27, NE 1/4 NW 1/4 Sec 34, 6-45
WILIAM HOPKINS	160 in	1898	SW 1/4 NE 1/4 34	6	45		N 1/2 SW 1/4, S 1/2 NW 1/4 Sec 34-6-45
CLAIR HANKS	135 in	1890	NW 1/4 NW 1/4 34	6	45		NW 1/4 NW 1/4, Sec 34, N 1/2 NE 1/4, NE 1/4 NW 1/4 Sec 33-6-45
MERREL FULLMER		NONE					S 1/2 NE 1/4, NE 1/4 SE 1/4 Sec 33-6-45
LAWRENCE HALL	30 in	1897	NE 1/4 SE 1/4 33	6	45		NW 1/4 SE 1/4 Sec 33-6-45
EDZELL EGERT	150 in	1896	SE 1/4 NE 1/4 33	6	45		N 1/2 SW 1/4, SE 1/4 NW 1/4 Sec 33-6-45
ARTHUR RAMMELL	35 in	1897	SW 1/4 NE 1/4 33	6	45		W 1/2 NW 1/4 Sec 33-6-45
SETH HANSEN		NONE					SE 1/4 SW 1/4 Sec 28-6-45
TETONIA TOWNSHIP	75 in	1896	SW 1/4 NE 1/4 33	6	45		W 1/2 SW 1/4, Sec 28, E 1/2 SE 1/4 Sec 29-6-45
ARTHUR RAMMELL	50 in	1898	"	"	"		W 1/2 NW 1/4 Sec 28-6-45
WAYNE STEVENS	40 in	1898	"	"	"		NW 1/4 NE 1/4 Sec 29-6-45
ELVIN McCLLOCH	50 in	1898	"	"	"		E 1/2 NE 1/4 Sec 29-6-45
"	120 in	1904	"	"	"		NW 1/4, SW 1/4 NE 1/4 Sec 29-6-45
TETONIA LDS. WARD	15 in	1898	"	"	"		SW 1/4 SE 1/4 Sec 20-6-45

22-7008

Title
of
Case

Source

Page 3

Water Dist.

County

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Judge

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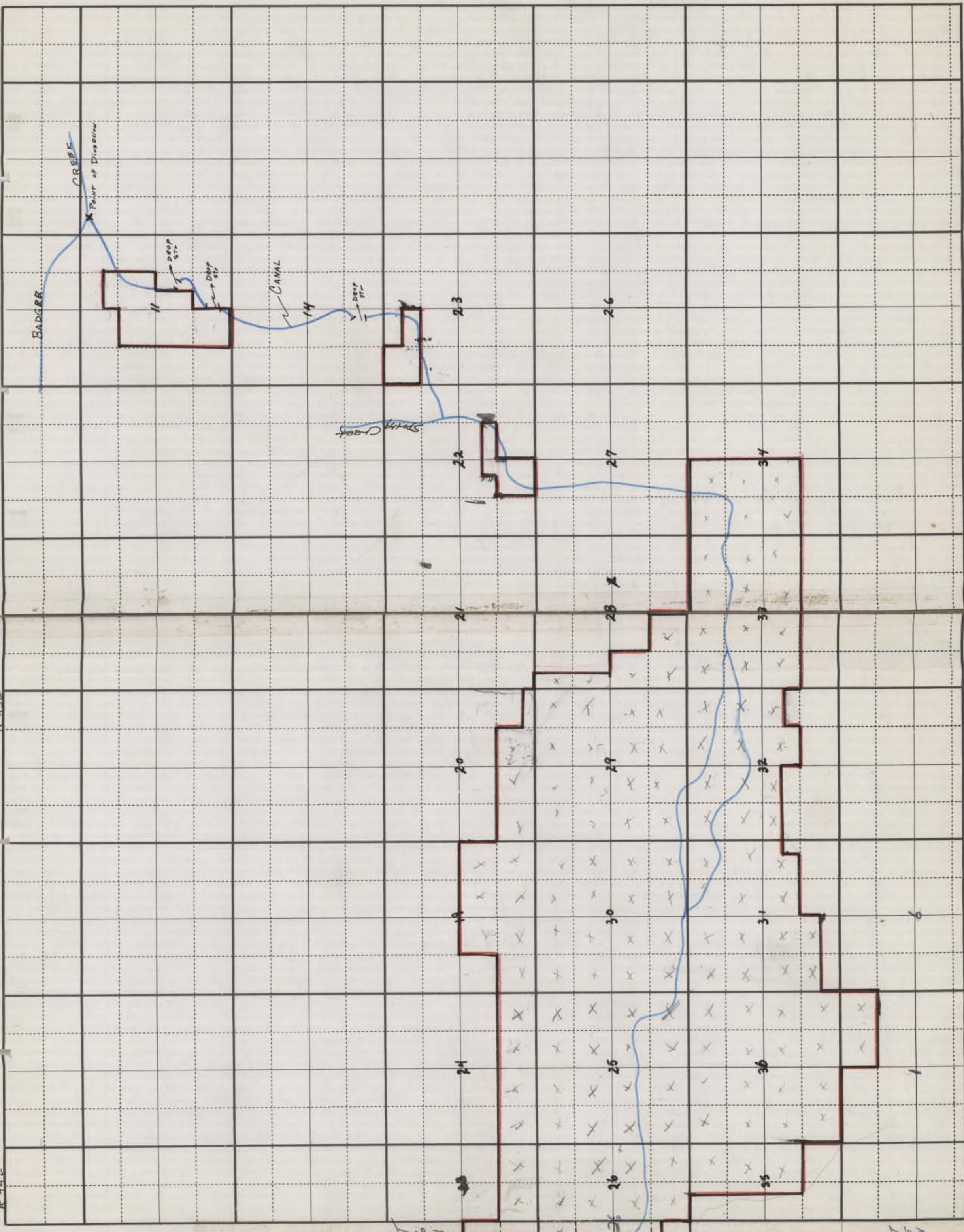
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NAME	AMOUNT INCHES OR SECOND FEET	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.
			SUBDIV.	SEC.	TWP.	RG.	
OWEN LARSON	20	1898	NW1/4SE1/4	32	6	45	N1/2SW1/4SW1/4 Sec 31-6-45
CHARLES THOMASON	70	1898	"	"	"	"	NW1/4SW1/4, SW1/4NW1/4 Sec 31-6-45
DON FULLMER	80	1897	SW1/4SE1/4	30	6	45	NW1/4NW1/4 Sec 31, SW1/4SW1/4 Sec 30-6-45
JOSEPH BAHR	75	1899	SW1/4SW1/4	29	6	45	SE1/4 Sec 19-6-45
"	120	1898	"	"	"	"	SW1/4 Sec 19-6-45
JIM BRECKENRIDGE	86	1887	NE1/4NE1/4	32	6	45	S1/2S1/2 Sec 36-6-45
"	80	1905	SE1/4NW1/4	6	5	45	N1/2NW1/4 Sec 1-5-44
DALE L. BRECKENRIDGE	87	1887	NE1/4NE1/4	2	6	45	N1/2SE1/4, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4 Sec 36-6-44
GENE FULLMER	NONE						NE1/4NE1/4 Sec 36-6-44
DON FULLMER	200	1891	SW1/4SW1/4	30	6	45	N1/2NW1/4, NW1/4NE1/4 Sec 36-6-44, S1/2SW1/4, SW1/4SE1/4 Sec 25-6-44
"	40	1896	"	"	"	"	SE1/4SE1/4 Sec 25-6-44
PRESTON FULLMER	40	1896	SE1/4SW1/4	30	6	45	NE1/4SE1/4 Sec 25-6-44
"	80	1905	"	"	"	"	NW1/4SE1/4, NE1/4SW1/4 Sec 25-6-44
SIVE FULLMER ESTATE	320	1905	"	"	"	"	E1/2NW1/4, SW1/4NE1/4, S1/2NW1/4, NW1/4SW1/4, Sec 25
RALPH WRE	760	1905	"	"	"	"	NE1/4SE1/4, SE1/4NE1/4 Sec 26-6-44
SMITH	NONE						NW1/4NE1/4, N1/2NW1/4 Sec 25, NE1/4NE1/4 Sec 26-6-44
FRANK HARROP	160	1905	SW1/4SW1/4	29	6	45	SE1/4SE1/4 Sec 24-6-44
BILL BRECKENRIDGE	120	1905	NE1/4SE1/4	26	6	44	SW1/4SE1/4, S1/2SW1/4, Sec 24, S1/2SE1/4, E1/2SW1/4 Sec 23;
"	87	1887	NE1/4NE1/4	32	6	45	N1/2NE1/4 Sec 26-6-44
FRED HUNTER	NONE						SW1/4NE1/4, SE1/4NW1/4, W1/2SE1/4, NE1/4SW1/4, Sec 26-6-44
Total	4325 inches						SE1/4SE1/4 Sec 26, E1/2NE1/4, NE1/4SE1/4 Sec 35-6-44
							SW1/4NW1/4, NW1/4SW1/4 Sec 36-6-44

22-7008



AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Teton—ss.

I, Charles L. Hermes
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News a news-
paper as defined by Idaho Codes
Annotated, Section 58-106, as amend-
ed, and that said newspaper is a
weekly newspaper printed and pub-
lished at Driggs, in Teton County,
Idaho, having a general circulation
in said county, and that said news-
paper has been printed in said county
for more than 78 consecutive weeks
prior to the first publication of the
attached notice, advertisement or
publication of

Notice of Application

And affiant further says that said
attached notice, advertisement or
publication, as per clipping attached,
was published in said newspaper, in
the regular and entire issue thereof,
and not in any supplement issue

thereof, for 3 consecutive issues
thereof; first publication having been

made on the 28 day of
November, 1963

and last publication on the 12
day of Dec, 1963

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at least
seventeen and three-fourths inches
deep.

Charles L. Hermes

Subscribed in my presence and
sworn to before me this 13 day
of December, 1963

W. H. [Signature]
(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

March 7, 1966

PUBLIC NOTICE

NOTICE OF APPLICATION
For Permit to Appropriately Use
Public Waters of the State of
Idaho

Received at the State Engineer's Office,
Idaho, December 13, 1963.

NOTICE IS HEREBY GIVEN
That JOHN G. [Name] OWNER
NORTH SLOPE LAND & WATER
URBAN SOCIETY, INC., of
Rexburg, Idaho, has made appli-
cation No. 39449 on the 15th day
of September, 1963, which was
returned to the applicant for
further information and compli-
ed application on November
13, 1963, to the public for
purpose of the waters of
Bonneville for irrigation pur-
pose.

The proposed diversion is
in the NW 1/4 of Section 12,
Twp. 36 N. Range 45 East
Bonneville, in the place of
units Section 19, 20, 23, 25,
26, 28, 30, 33, 34, 7,
6, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 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629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 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1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2

Key can you find any water rights for
land described below — Spring — Jane Spring
NW 1/4 Sec 14

— Badger —

— North Lee —

Letter -

Royce Reiley -

Tetonia ID 83452

6 N 45 E

W 1/2 SW 1/4 14

SE 1/4 15

E 1/2 SW 1/4 15

NE NW, N 1/2 NE 22

NW NW 23

480 acres total

Possibly decreed

Badger Creek - none in land
area owned

Springs - none

D. Leigh - none

22 ~~Q~~ - C Juliette

22 m ~~Lee~~ Hansen
V. Crandall

22 h Rammell



File

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2215

R. Keith Higginson
Director

14 February, 1977

Mr. Royce Reiley
Tetonia, Idaho 83452

Dear Mr. Reiley,

Mr. Bobby D. Fleenor, chief of the water rights bureau, has asked me to research the water rights for you from Badger Creek, North Leigh Creek and an unnamed spring.

Enclosed find a copy of water license # 22-7008 for the Spring Creek and Lower North Leigh Creek Water Users Association, Inc. for 36.1 cfs from Badger Creek. Please note that the lands to be irrigated are shown on the second page.

Also enclosed is a copy of the first page of a decree Gillette vs. Crandall, which allots water to Mrs. James T. Beard for the $W\frac{1}{2}NW\frac{1}{4}$, Sec. 23, T6N, R4SE. We have numbered this water right 22-0011.

I can find no other decreed rights for the following lands: $W\frac{1}{2}SW\frac{1}{4}$, Sec. 14, SE $\frac{1}{4}$, Sec. 15, E $\frac{1}{2}SW\frac{1}{4}$, Sec. 15, NENW, N $\frac{1}{2}NE\frac{1}{4}$, Sec. 22 and NWNW, Sec. 23, T6N, R4SE.

However, if you can give me any other data, I would be glad to make another records search for you.

Yours truly,

Kay Weaver
(Ms.) Kay Weaver
Chief Clerk, Water Rights

Encl.

March 21, 1975

Re: Permit No. 22-7008

Spring Creek & Lower North Leigh
Creek Water Users Assn., Inc.
c/o Dale Breckenridge
Tetonia, Idaho 83452

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

March 4, 1975

Spring Creek & Lower North Leigh
Creek Water Users Assn., Inc.
c/o Dale Breckenridge
Tetonia, Idaho 83452

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 22-7008 and has found the following:

Quantity of water diverted: 46.60 cfs Source: Badger Creek

Amount of water that can be recognized as beneficially used under
Idaho law: 36.10 cfs

The maximum quantity diverted shall not exceed 13,081 acre feet,
or 3.0 acre feet per acre, per year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12, Twp. 6 N, Rge. 45 E, B.M.

Beneficial use: Irrigation of 5,592 acres (see enclosed description)

Priority date established: Sept. 18, 1963

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enclosure

cc: Mary Smith

RECEIVED
MARCH 11 1975

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Spring Creek & Lower North Leigh Creek Water Users Assn., Inc.
Post office address c/o Mary Smith, Attorney, Rexburg, Idaho Phone _____
Person to contact Dale Breckenridge, Pres. (signed b/u affidavit) Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ Badger Creek (early spring high water)
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 36.10 c.f.s. for Irrigation
AF/Annum (nature of use)

Period of Use: from April 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 22-7008
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 36.10 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6 N N/S, Range 45 E E/W, B.M., Section 12, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Teton County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Concrete headgate on Badger Creek & concrete headgate on permit holder's canal, known as Hayden Canal.

Measuring device required: yes ☒ no ☐

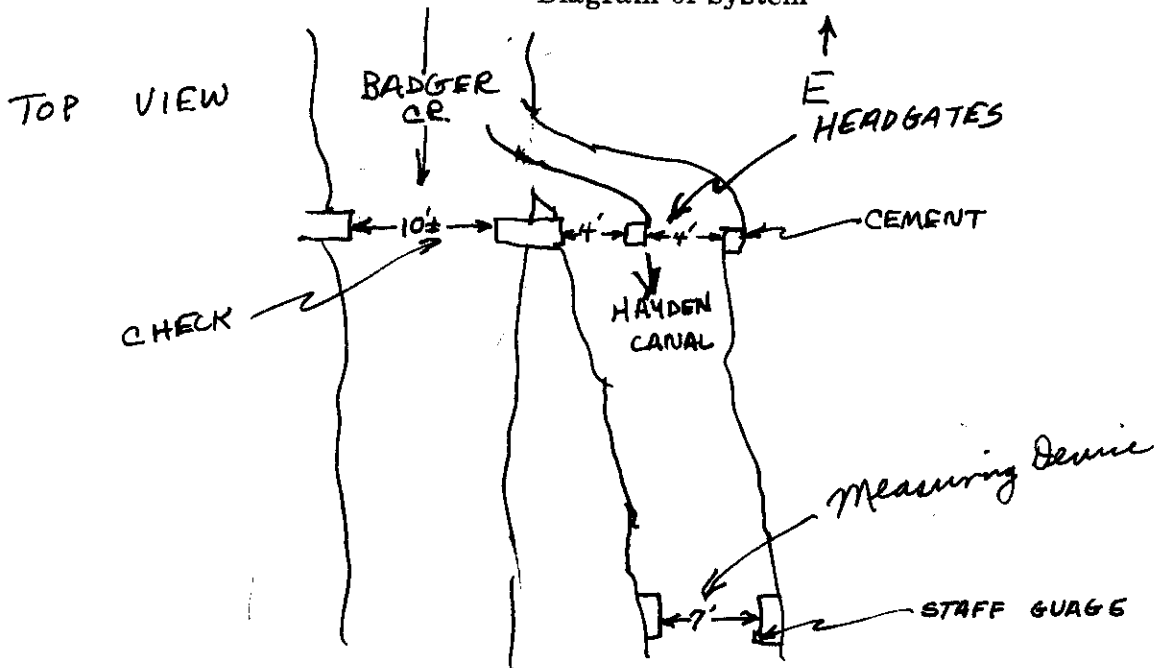
MICROFILMED

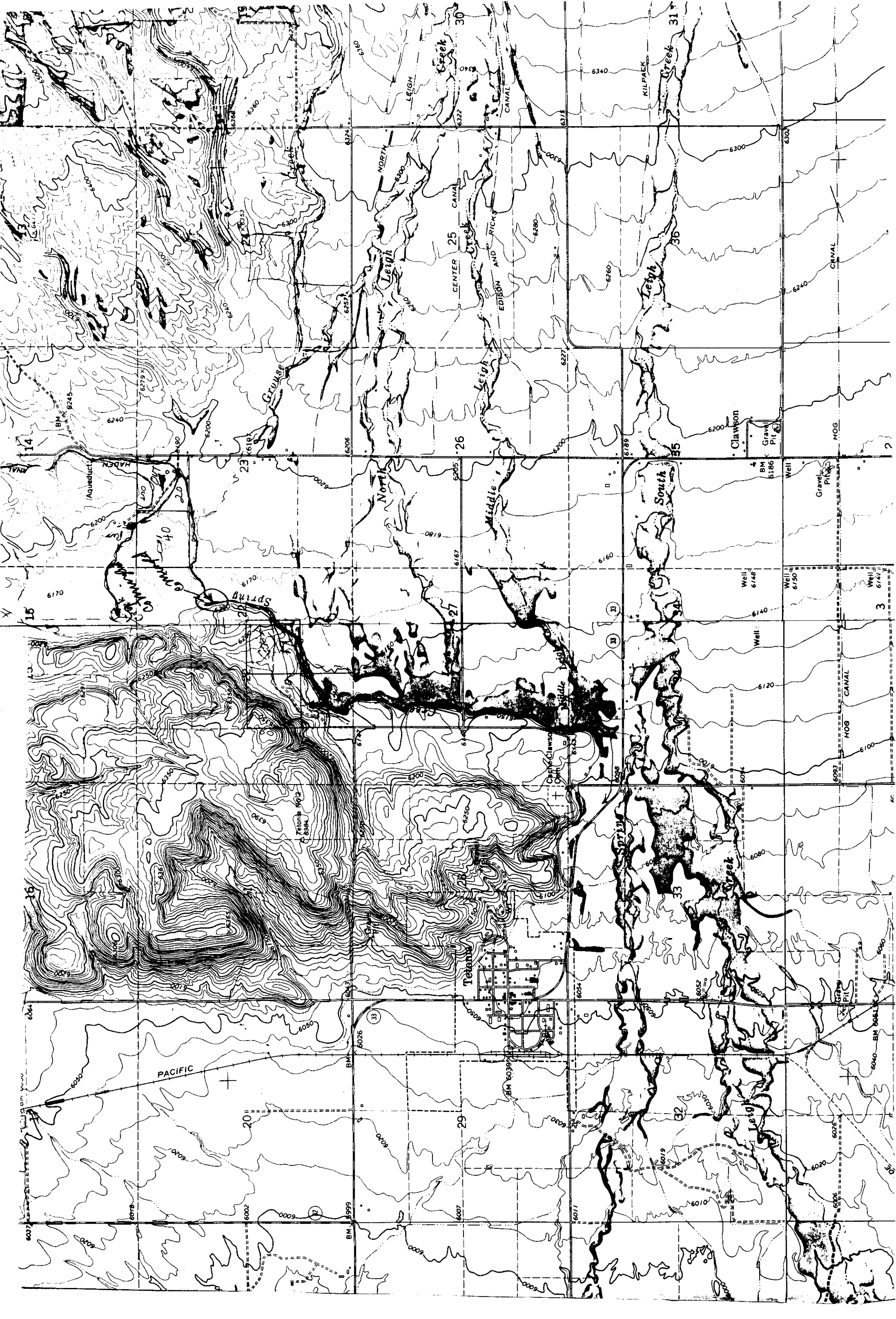
6. Lands to be irrigated or place of use.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	45 E	11		40	40					40	40			40		40			240
6	45	23					S $\frac{1}{2}$	40											60
6	45	22									SE $\frac{1}{4}$			40		S $\frac{1}{2}$			70
6	45	34					40	40	40	40	40	40							240
6	45	33	40	40	40	40	40	40	40	40	40	40			40	40			480
6	45	28					W $\frac{1}{2}$	W $\frac{1}{2}$				40	40	40					160
6	45	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	20											40	40			40	S $\frac{1}{2}$	140
6	45	32	40	40	40	40	40	40	40	40	N $\frac{1}{2}$	N $\frac{1}{2}$			N $\frac{1}{2}$	40			420
6	45	31	40	40	40	40	40	40	40	40	40	40	N $\frac{1}{2}$	N $\frac{1}{2}$	40	40			520
6	45	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	19									40		40	40	40	40	40	40	280
56 N	44 E	1	40	40															80
6 N	44 E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
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6	44	24											40	40			40	40	160
6	44	23									40			40			40	40	160
6	44	26	40	40	40	40	40			40	40				40	40	40	40	440
6	44	35	40			40									40				120

SEE ATTACHED PLATS

Diagram of System





TWP. 5N & 6N

RANGE

4E

COUNTY

TETON

SCALE: 1" = 1 MILE

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

12 7 8 9 10 11 12 7

13 18 17 16 15 14 13 18

24 19 20 21 22 23 24 19

25 30 29 28 27 26 25 30

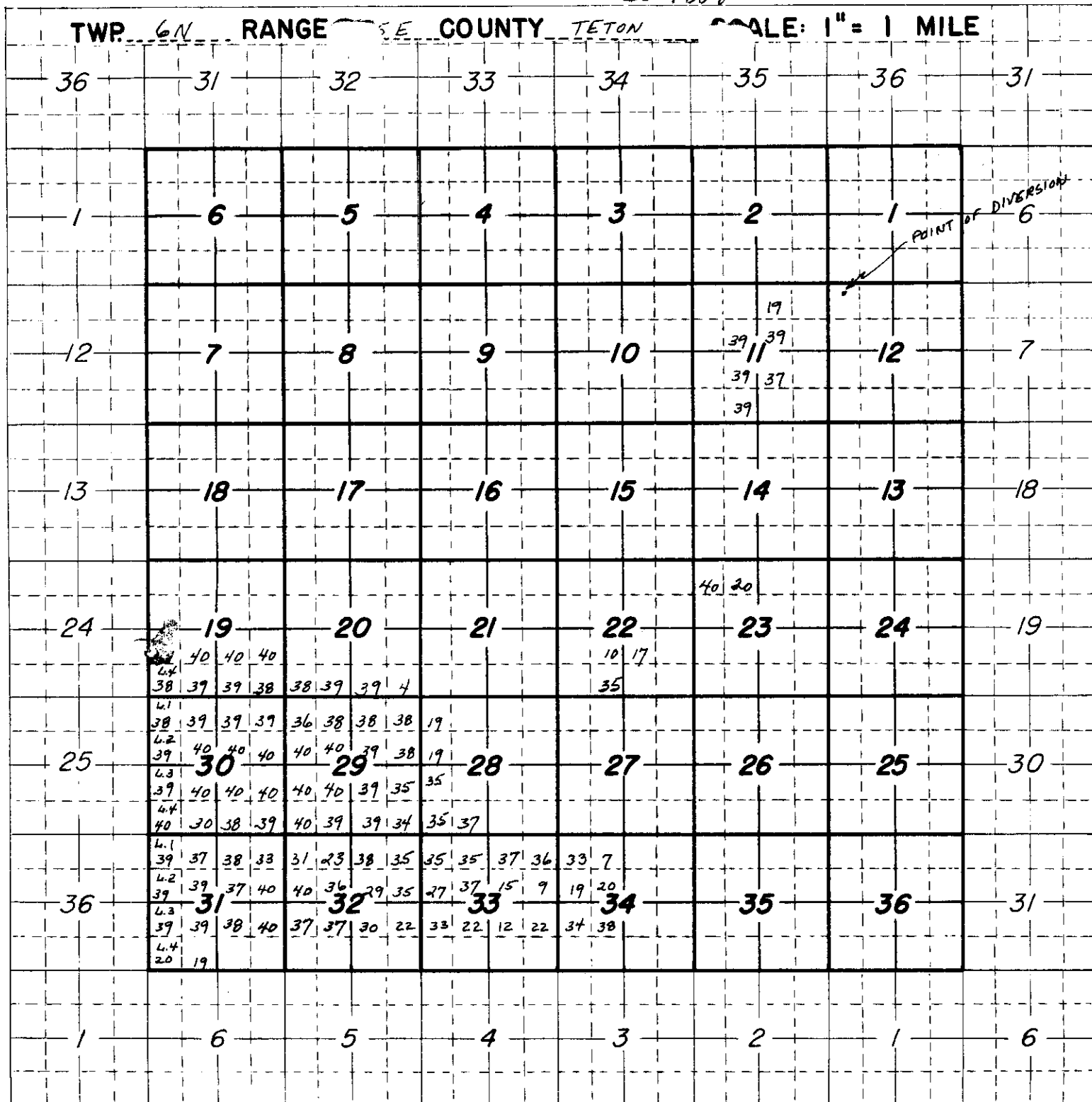
36 31 32 33 34 35 36 31

5 6 5 4 3 2 1 6

36
34 39 39 38 34 29 36
34 39 39 39 39 33 38
40 40 40 40 40 40 38
26 40 40 40 40 40 38
40 40 40 40 40 39
40 40 38 23 31
40 40 39 36 32
39 38 40 40 39
36 40 40 39
4.2 4.1
39 35

22-7007

TWP. 6N RANGE 5E COUNTY TETON SCALE: 1" = 1 MILE



PHILLIPS
B-108

R45E

RANMELL
B-121

C
74.9

A
522

HILL
8-105

OBRIAN

R. HILL
B-10

HANSEN
B-135

SHILL
B-10
PARSHALL FLUME

ATCHLEY
B-192

14.8
REILEY
8-118

HANSEN

HW4 23

T6N

HOPKINS
8-53

FULLMER
B-50

34.7

WADE
B-58

WHITE
B-112

A
77.7

B
72.9

D
12.3

C
21.2

8
22.4

11.1

2.0

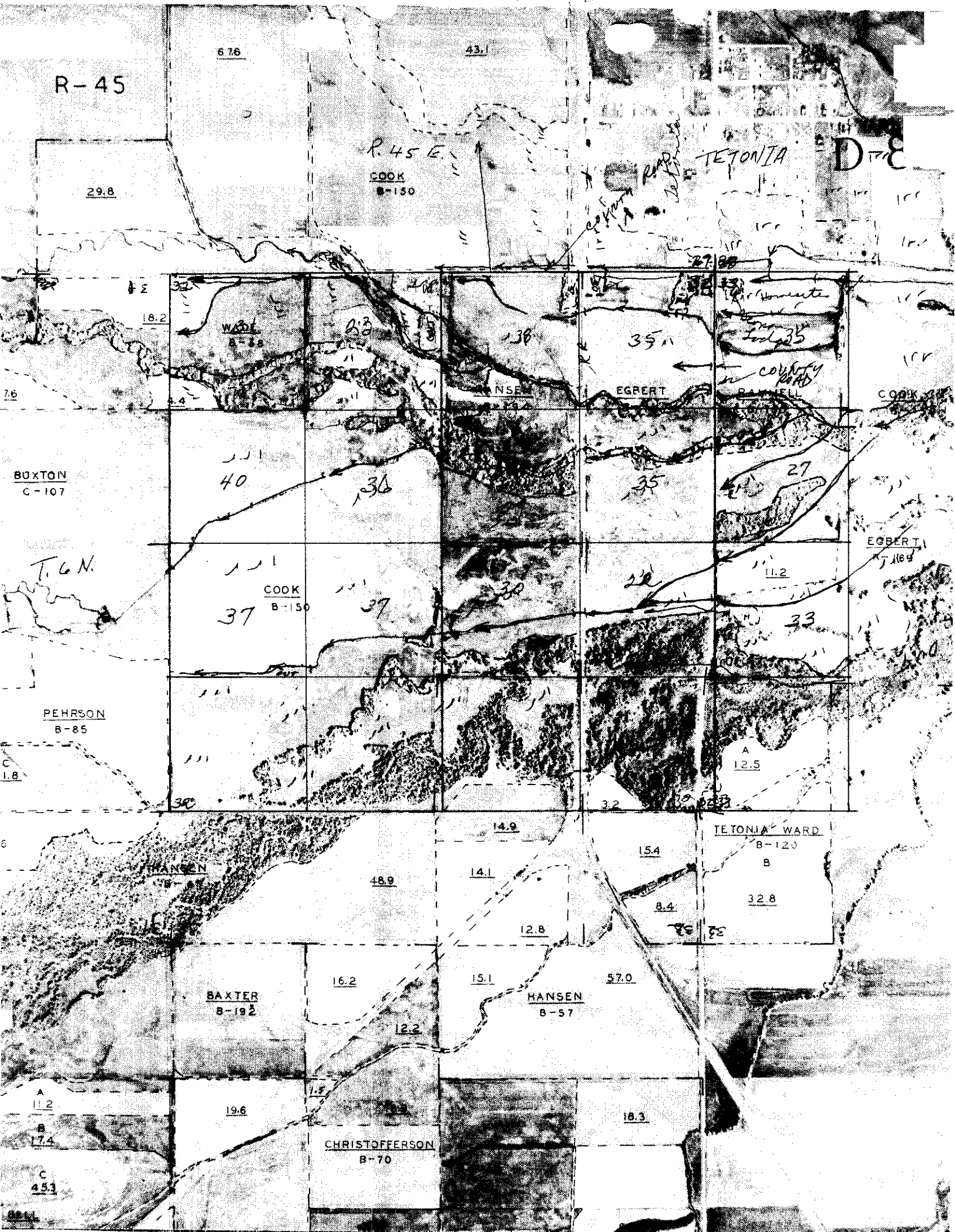
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30.6

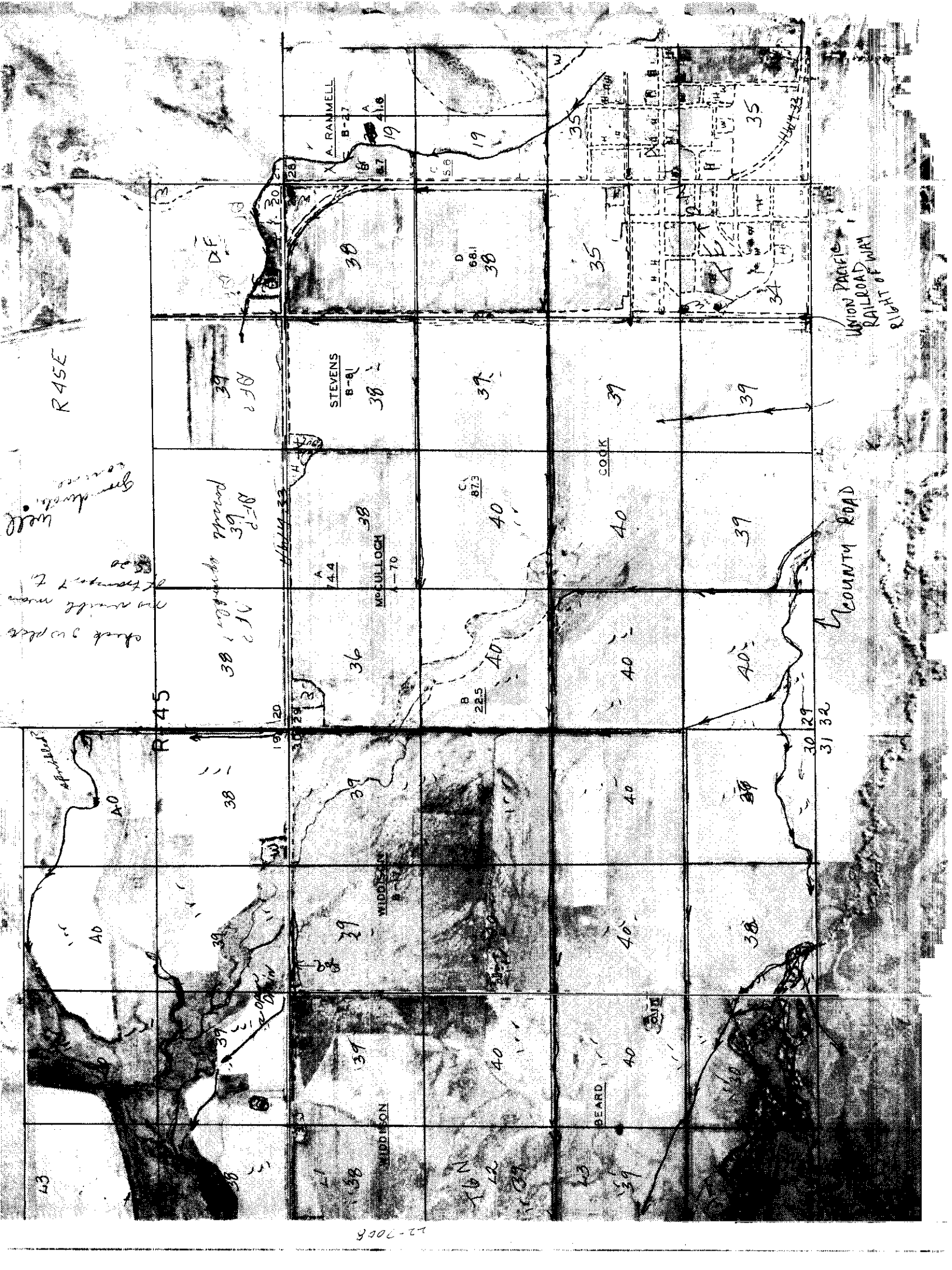
CT 149

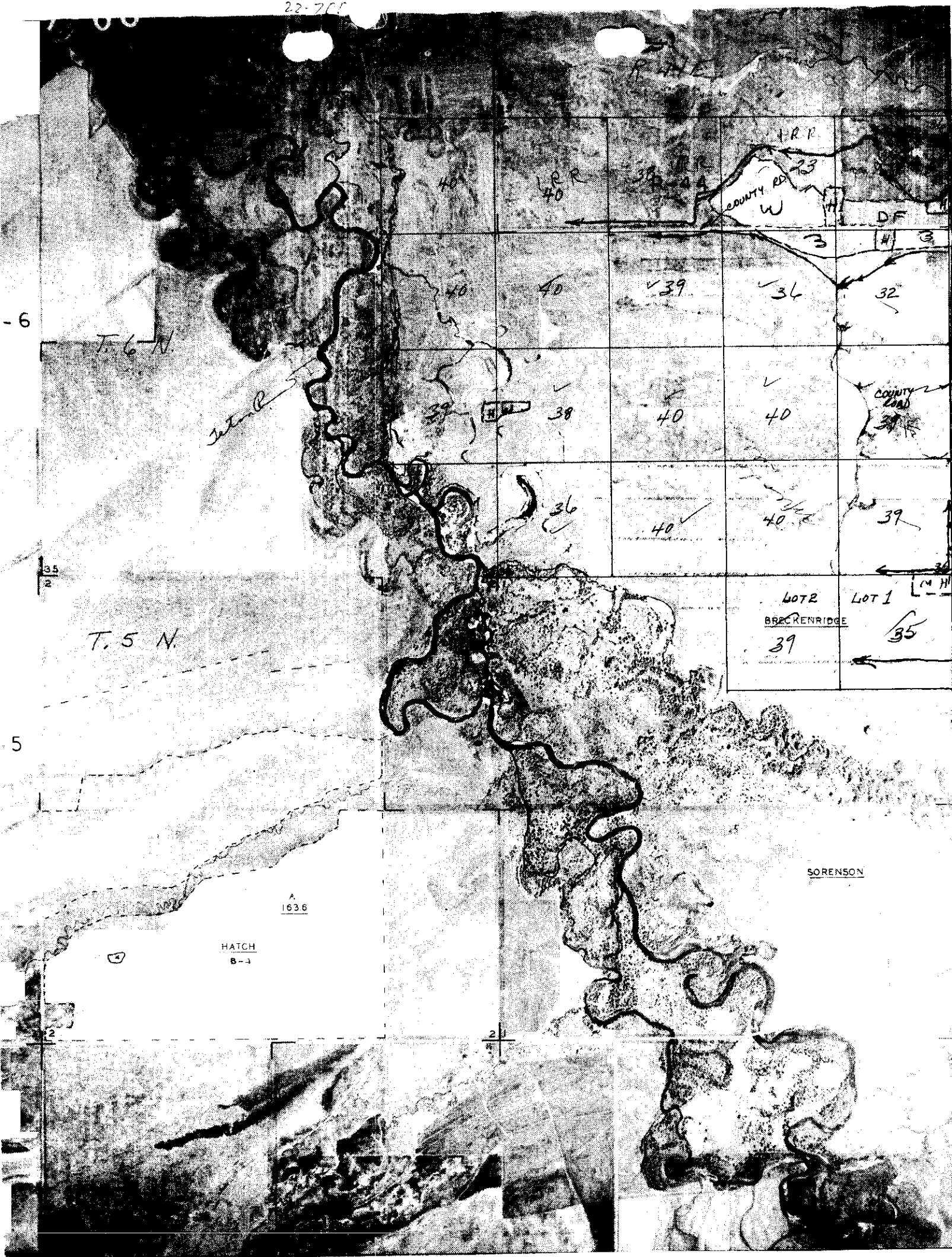
12.0

200

224
CREEK NAMES FROM
USGS TETONIA QUAD 255
KUNZ D/L 1965
CT 148 F
200







T. 6 N.

T. 5 N.

LOT 2

LOT 1

BRECKENRIDGE

39

35

A 1636

HATCH
B-1

SOERENSON

R 45

A ...
82.9

C
29.0

JARDINE

58-114

RASE

BINGHAM

YIPPEES

WAPCUM

22.7

214

WATERWAY NAMES FROM
USGS CLAWSON 7 1/2' MAP
Dtd 1965

R. 45 E.

30/20

LOT 2

LOT 3

LOT 4

FE Hansen
B-67

C. Crystal Form
A-20

B. 11
B. 19

Ge

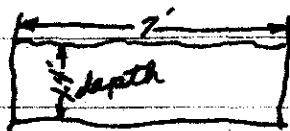
18.50



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

RESULTS

Discharge Computation



Slope = .2 %/mile

$$R = \frac{A}{P_w} = \frac{9.8}{9.8} = 1$$

n for rough wood = .014

$$Q = \left(\frac{1.49}{.014} \right) (9.8) (.0447) = 46.6$$

LH Feb 3, 1975

DATE OF EXAM May 24, 1974

ACREAGE
Found 5592
Recommended 5592

Irrigation Requirement 3 Ac Ft/Ac

USE
Irrigation Q = 36.1 c.f.s. V = 13100 AF/Ann. from Apr 15 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no _____

Name source: Comingled with Spring Cr in SE 1/4 SE 1/4 Sec 15 1/2
twp. 6 N/S, Rge. 45 E/W, B.M., Sec. 22, Sub. SE 1/4 NE 1/4 Teton
See attached quad sheet copy County

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of injection: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of exchange: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Total Q measured 46.6 CFS Method of measurement measuring device using Manning Equation

Total Q recommended 36.1 CFS Meter No. _____ Type _____ Condition _____

Total V recommended 13100 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Measurement on discharge 6/20/73 - Staff gauge reading 1.4' see attached sheet with Manning formula calculations

$$V = (5592)(3) > (36.1)(1.983)(183) = 13100$$

SYSTEM DESCRIPTION:

Charent Check in Badger Creek 10' x 3' diverting water to two headgates with screw type hoists on lift works to cover 4' x 3' openings. Water is then conducted to two canal 8' width by 5' depth.

REMARKS:

Unable to locate permit holder on date of exam.
Measuring device is wooden box type structure 10' downstream from headgate. Flow is constricted to 7 ft. width - m.d. has level floor so velocity does not change. Staff gauge installed on downstream side. No rating table maintained at meas device. non-standard type device.

Examiner's Signature John Terchauer Date May 24, 1974

Checked by Larion O. Farnum Date Feb 11, 1975

Approved by _____ Date _____

No photo coverage for Secs. 22 1/2, 23 T.6N. R.45E. acreage is best estimate from observations in field 1/4 7 1/2 quad sheet attached

April 17, 1973

Re: Permit No. 22-7008

**Spring Creek & Lower North Leigh Creek Water Users Assn., Inc.
c/o Mary Smith, Attorney at Law
30 So. 2nd West
Rexburg, Idaho 83440**

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field exam, please contact our Eastern District Office at 240 South Holmes, Idaho Falls, Idaho.

Sincerely,

**BOBBY D. FLEENOR
Assistant Director**

BDF:DR

22 7008

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

March 30, 1973

80 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5498

RECEIVED

Department of Water Administration

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Re: Permit No. 22-7008

I am enclosing herewith Proof of Application of
Water to Beneficial Use regarding the above numbered
permit for the Spring Creek & Lower North Leigh Creek
Water Users Assn., Inc.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

22 7008

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration
ok
ds

1. a) Name of Permit Holder Spring Creek & Lower North Leigh Creek Water Users Association, Inc.
b) Post Office Address c/o Dale Breckenridge, Tetonia, Idaho, 83452
2. Permit Number 22-7008
3. Date of Priority that you are prepared to establish April 18, 1963.
4. a) Source from which water was appropriated Badger Creek- early spring high water.
b) Location of the point of diversion: 400' E & 100' S feet distant from NW corner
1/4, Section 12,
Township 6 N, Range 45 East Boise Meridian, ~~Other points of diversion: **~~ and
is in the NW 1/4 NW 1/4 of Section 12, Township 6 N., R 45 EBM,
Teton County, Idaho.
5. a) The amount of water and use to which the water has been applied:
amount 36.10 cfs for irrigation purposes from May 1 to July 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 36.10 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Concrete headgate at point of diversion, water gauge with frequent measurements to establish a curve. This is done by Art Wilson, watermaster.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: None
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) concrete head gate at point of diversion on Badger Creek, and Concrete headgate at point of diversion on applicant's canal, which is known as the Hayden Canal. There are three drop structures on the canal before the water is carried by Spring Creek. Applicant's canal and drop structures, and headgates were all constructed by applicant.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Water gauge with frequent measurements to establish a curve, on back of headgate.
c) Give well drillers name and address and date the well was completed Not applicable.

Exam typed 1-17-73 by ds

22 7008

22 7008

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Not applicable.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 N	45 E	11		40	40					40	40			40		40			240
6	45	23					S 1/2	40											60
6	45	22									SE 1/4			40		S 1/2			70
6	45	34					40	40	40	40	40	40							240
6	45	33	40	40	40	40	40	40	40	40	40	40			40	40			480
6	45	28					W 1/2	W 1/2				40	40	40					160
6	45	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	20											40	40			40	S 1/2	140
6	45	32	40	40	40	40	40	40	40	40	N 1/2	N 1/2			N 1/2	40			420
6	45	31	40	40	40	40	40	40	40	40	40	40	N 1/2	N 1/2	40	40			520
6	45	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	19									40		40	40	40	40	40	40	280
5 N	44 E	1	40	40															80
6 N	44 E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	44	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	44	24											40	40			40	40	160
6	44	23									40			40			40	40	160
6	44	26	40	40	40	40	40			40	40				40	40	40	40	440
6	44	35	40			40									40				120

March 29, 1973
(Date)

USERS ASSOCIATION, INC.

Dale H. Breckenridge
President. (Signature)

State of Idaho)
County of Madison) ss.

On this 29th day of March, 19 73, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary Smith
Notary Public residing at Rexburg, Idaho

My commission expires June 25, 1975.

22 7008
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Not applicable.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	

Total number of acres irrigated 6130

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

SPRING CREEK & LOWER NORTH LEIGH CREEK WATER
USERS ASSOCIATION, INC.
Dale H. Breckenridge
President. (Signature)

March 29, 1973
(Date)

State of Idaho)
County of M: adison) ss.

On this 29th day of March, 19 73, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary Smith
Notary Public residing at Rexburg, Idaho

My commission expires June 25, 1975.

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

24258

1

Mary Smith

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

John Schreder

DATE DELIVERED.

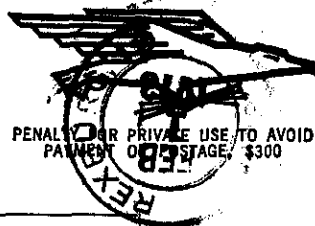
SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

FEB 1 1970

3

22 7008

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

22 7008

PS Form 3811 Nov. 1970 e55-16-81277-1

January 31, 1973 CERTIFIED MAIL

24258

Re: Permit No. 22-7008

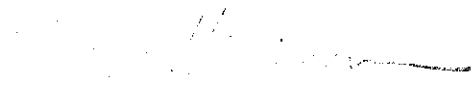
Spring Creek & Lower North Leigh Creek Water Users Assn., Inc.
c/o Mary Smith, Attorney at Law 30 So. 2nd West
Rexburg, Idaho 83440

Gentlemen:

One of the conditions of approval of your water Permit No. 22-7008 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1973. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

22 7008

July 2, 1968

Re: Permit No. 22-7008
Spring Creek & Lower N. Leigh Creek
Water Users Association, Inc.

Mary Smith
Attorney At Law
30 South Second West
Rexburg, Idaho 83440

Dear Miss Smith:

We wish to thank you for your letter of June 19, 1968, concerning the above referenced permit. Please be advised that in order for the Spring Creek & Lower N. Leigh Creek Water Users Association, Inc. to obtain the additional 39.44 cubic feet per second they will be required to file a new application for permit.

Under existing Idaho Statutes there exists no means by which a permit can be amended to increase the quantity of water. We are enclosing a set of application forms and instructions for your use in this matter. Please contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: App. for Permit & Inst.

22-7008

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

June 19, 1968

RECEIVED
JUN 20 1968
Department of Reclamation

Mr. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. Allred:

Re: Spring Creek & Lower N. Leigh Creek
Water Users Association, Inc.
Permit 22-7008

I appreciated receiving copy of the approved application
for the above numbered permit.

The original application was for 75.54 cubic feet per
second. However your department allowed 36.10 cubic
feet per second. The type of ground in this area re-
quires more water than the 36.10 cubic feet per second.
We would like very much to amend our application for an
additional 39.44 cubic feet per second and would appreci-
ate it very much if you would send me the necessary
blanks.

Yours very truly,

Mary Smith
Mary Smith

rs

22-7008

April 26, 1968

Re: Permit 22-7008

Spring Creek & Lower N. Leigh Creek
Water Users Association, Inc.
c/o Mary Smith, Attorney at Law
Rexburg, Idaho 83440

Dear Mrs. Smith:

We enclose a copy of your approved application for permit 22-7008 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosure: Copy of application

Form 4

22-7008*

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

April 17, 1968

REED A. WILLIAMS (1923-1982)
HOWARD R. STINSON (1905-1957)

RECEIVED
APR 18 1968

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
107 Statehouse
Boise, Idaho 83701

Re: Spring Creek & Lower Leigh Creek
Water Users Association, Inc.
Application No. 39493

Dear Mr. Higginson:

We have been authorized by protestants to withdraw objections to Application No. 39493.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By Robert B. Holden
Robert B. Holden

kh

cc: Mary Smith, Esq.

22-7001

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
BLAINE S. BUTLER
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1059
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

April 11, 1968

Department of Reclamation

**Mr. Nathan Ricks
Felt, Idaho**

Dear Mr. Ricks:

**Re: Spring Creek & Lower Leigh
Creek Water Users Association,
Inc. - Application #39493**

**The State Reclamation Engineer has again requested
that we advise him whether or not Badger Creek Water Users will
withdraw their protest in the above application.**

**You were to have notified us of your decision several
weeks ago and we would certainly appreciate hearing from you.**

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By _____
Robert B. Holden

**REH:jk
cc: Mary Smith
R. Keith Higginson**

C
O
P
Y

PROTEST

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: CARL E. TAPPAN
STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

PROTEST IS HEREBY ENTERED BY THE BELOW LISTED OWNERS OF DECREED WATER RIGHTS IN BADGER CREEK, BY AND THROUGH THEIR ATTORNEYS, HOLDEN, HOLDEN & KIDWELL, IDAHO FALLS, IDAHO, AGAINST THE APPROVAL OF APPLICATION No. 39493 AND ISSUANCE OF A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO ON SAID APPLICATION No. 39493 FOR THE DIVERSION OF 36.10 CUBIC FEET PER SECOND OF THE WATERS OF BADGER CREEK BY THE SPRING CREEK & LOWER NORTH LEIGH CREEK USERS ASSOCIATION, INC. THE OBJECTIONS OF THE PROTESTANTS ARE AS FOLLOWS:

1. THAT THE WATER SOUGHT TO BE APPROPRIATED WOULD REDUCE THE QUANTITY OF WATER AVAILABLE IN BADGER CREEK BELOW THE EXISTING WATER RIGHTS IN SAID CREEK, AND THAT THE WATER SUPPLY IN BADGER CREEK IS INSUFFICIENT FOR THE PURPOSE FOR WHICH IT IS SOUGHT TO BE APPROPRIATED.
2. THAT THE DIVERSION WORKS PROPOSED IN SAID APPLICATION No. 39493 ARE INADEQUATE, INACCURATE AND INSUFFICIENT TO PROPERLY REGULATE AND CONTROL THE DIVERSION OF THE WATER SOUGHT BY THE APPLICATION.
3. THAT THE APPLICATION No. 39493 FAILS TO MEET THE REQUIREMENTS OF IDAHO TITLE 42, SECTION 202, FOR APPLICATIONS FOR THE APPROPRIATION OF PUBLIC WATERS OF THE STATE OF IDAHO.

THE NAMES AND ADDRESSES OF THE PROTESTANTS ARE AS FOLLOWS:

<u>NAME</u>	<u>ADDRESS</u>
NATHAN RICKS	FELT, IDAHO
DALE ROBINSON	FELT, IDAHO
SAM WILLIAMS	FELT, IDAHO
LEONARD WARD	FELT, IDAHO
JOHN PHILLIPS	TETONIA, IDAHO
BROWER BROTHERS	FELT, IDAHO
PEARL STEWART	FELT, IDAHO
OWEN RICKS	TETONIA, IDAHO
SHANE LINDERMAN	CLEMENTSVILLE, IDAHO
HORACE ROBINSON	FELT, IDAHO
RULON WARD	FELT, IDAHO
ALFRED RICKS	FELT, IDAHO

22-7001

NOTICE OF THE HEARING ON THIS PROTEST AND ALL OTHER
CORRESPONDENCE MAY BE DIRECTED TO HOLDEN, HOLDEN & KIDWELL, ATTORNEYS
FOR PROTESTANTS.

DATED THIS 30TH DAY OF DECEMBER, 1963.

RESPECTFULLY SUBMITTED,
HOLDEN, HOLDEN & KIDWELL

LON F. DAVIS

LON F. DAVIS
A MEMBER OF THE FIRM
ATTORNEYS FOR PROTESTANTS
RESIDENCE AND P. O. ADDRESS
IDAHO FIRST NATIONAL BANK BLDG.
IDAHO FALLS, IDAHO

PROTEST

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: CARL E. TAPPAN
STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

PROTEST IS HEREBY ENTERED BY THE BELOW LISTED OWNERS OF DECREED WATER RIGHTS IN BADGER CREEK, BY AND THROUGH THEIR ATTORNEYS, HOLDEN, HOLDEN & KIDWELL, IDAHO FALLS, IDAHO, AGAINST THE APPROVAL OF APPLICATION No. 39493 AND ISSUANCE OF A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO ON SAID APPLICATION No. 39493 FOR THE DIVERSION OF 36.10 CUBIC FEET PER SECOND OF THE WATERS OF BADGER CREEK BY THE SPRING CREEK & LOWER NORTH LEIGH CREEK USERS ASSOCIATION, INC. THE OBJECTIONS OF THE PROTESTANTS ARE AS FOLLOWS:

1. THAT THE WATER SOUGHT TO BE APPROPRIATED WOULD REDUCE THE QUANTITY OF WATER AVAILABLE IN BADGER CREEK BELOW THE EXISTING WATER RIGHTS IN SAID CREEK, AND THAT THE WATER SUPPLY IN BADGER CREEK IS INSUFFICIENT FOR THE PURPOSE FOR WHICH IT IS SOUGHT TO BE APPROPRIATED.
2. THAT THE DIVERSION WORKS PROPOSED IN SAID APPLICATION No. 39493 ARE INADEQUATE, INACCURATE AND INSUFFICIENT TO PROPERLY REGULATE AND CONTROL THE DIVERSION OF THE WATER SOUGHT BY THE APPLICATION.
3. THAT THE APPLICATION No. 39493 FAILS TO MEET THE REQUIREMENTS OF IDAHO TITLE 42, SECTION 202, FOR APPLICATIONS FOR THE APPROPRIATION OF PUBLIC WATERS OF THE STATE OF IDAHO.

THE NAMES AND ADDRESSES OF THE PROTESTANTS ARE AS FOLLOWS:

<u>NAME</u>	<u>ADDRESS</u>
NATHAN RICKS	FELT, IDAHO
DALE ROBINSON	FELT, IDAHO
SAM WILLIAMS	FELT, IDAHO
LEONARD WARD	FELT, IDAHO
JOHN PHILLIPS	TETONIA, IDAHO
BROWER BROTHERS	FELT, IDAHO
PEARL STEWART	FELT, IDAHO
OWEN RICKS	TETONIA, IDAHO
SHANE LINDERMAN	CLEMENTSVILLE, IDAHO
HORACE ROBINSON	FELT, IDAHO
RULON WARD	FELT, IDAHO
ALFRD RISKS	FELT, IDAHO

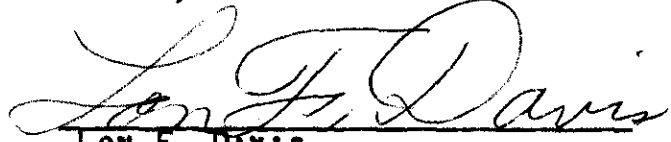
22-2008

NOTICE OF THE HEARING ON THIS PROTEST AND ALL OTHER
CORRESPONDENCE MAY BE DIRECTED TO HOLDEN, HOLDEN & KIDWELL, ATTORNEYS
FOR PROTESTANTS.

DATED THIS 30TH DAY OF DECEMBER, 1963.

RESPECTFULLY SUBMITTED,

HOLDEN, HOLDEN & KIDWELL

A handwritten signature in cursive script, reading "Lon F. Davis". The signature is written in dark ink and is positioned above the printed name.

LON F. DAVIS

A MEMBER OF THE FIRM
ATTORNEYS FOR PROTESTANTS
RESIDENCE AND P. O. ADDRESS
IDAHO FIRST NATIONAL BANK BLDG.
IDAHO FALLS, IDAHO

April 9, 1968

Mr. Robert B. Holden
Attorney at Law
Holden, Holden & Kidwell
Idaho Falls, Idaho 83401

Appl. # 39493

Dear Mr. Holden:

This office is still withholding any action concerning Application No. 39493, filed by the Spring Creek & Lower Leigh Creek Water Users Association, Inc.

Since this is the oldest unacted on application in this office, we would appreciate your advising us concerning the protests at an early date.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Mary Smith
Attorney at Law
Rexburg, Idaho

22-7008

March 15, 1968

Mr. Robert B. Holden
Attorney at Law
Holden, Holden & Kidwell
Idaho Falls, Idaho 83401

Application 39493

Dear Mr. Holden:

Your letter of January 18, 1968 indicated that you plan to meet with your clients concerning their protests against the granting of a permit on Application No. 39493, by the Spring Creek and Lower North Leigh Creek Water Users Association, Inc.

I will appreciate your advising me concerning this so that we may schedule the matter for a hearing, if the protest is not withdrawn.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Mary Smith
Attorney at Law
Rexburg, Idaho 83440

22-7005

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

January 18, 1968

RECEIVED

JAN 19 1968

Mr. R. Keith Higginson
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Department of Reclamation

Dear Mr. Higginson:

Re: Application No. 39493
Spring Creek and Lower North Leigh Creek
Water Users Association, Inc.

We will meet with protestants to see if they are now willing to withdraw their protest to the above numbered application.

We do note from your letter of January 10, 1968, that you refer to a permit for the appropriation of 75 second feet of "early spring high water" with a priority of September 18, 1963. However, in our files we have a copy of the newspaper publication of Notice of Application and it refers to 36.10 cubic feet per second of the waters of Badger Creek.

As soon as we have been able to meet with our clients we shall advise you further in connection with the protest.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By Robert B. Holden
Robert B. Holden

kh

cc: Mary Smith, Esq.

22-760

January 10, 1968

Mr. Robert B. Holden
Attorney at Law
Holden, Holden and Kidwell
Idaho Falls, Idaho 83401

Dear Mr. Holden:

We appreciate receiving a copy of the Findings of Fact, Judgement and Decree of Adjudication of certain water rights on Badger Creek.

I assume that this decree is a result of the suit which was filed, and to which reference is made in correspondence concerning Application No. 39493, filed by the Spring Creek and Lower North Leigh Creek Water Users Association, Inc. We are assuming that the decree has established the protesters water rights and they they now have no objection to our issuing a permit for the appropriation of the 75 second feet of "early spring high water" with a priority of September 18, 1963.

If this is the case, we will appreciate a letter from the protesters withdrawing their objections so that we might proceed with the issuance of the permit. If the issues raised in the protests have not been settled by the decree, please so advise.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Spring Cr. & Lower N. Leigh Cr.
Water Users Association, Inc.
c/o Mary Smith, Attorney at Law
Rexburg, Idaho 83440

22-7008

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

January 8, 1968

RECEIVED

Mr. R. Keith Higginson
State Reclamation Engineer
107 Statehouse
Boise, Idaho 83701

Department of Reclamation

Dear Mr. Higginson:

Re: Nathan Ricks, et al v. Henry Eagle, Watermaster
Badger Creek Supplemental Decree

We are enclosing copies of Findings of Fact and
Conclusions of Law and Judgment and Decree entered in the above
case November 12, 1964.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By Robert B. Holden
Robert B. Holden

kh
Encl.

22-208

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

NATHAN RICKS, ALFRED T. RICKS, JR.,)
OWEN R. RICKS, P. S. RAMMELL, LEON)
RAMMELL, JOHN REILEY, HORACE ROBSON,)
LEONARD WARD, RUELAND WARD, MYRTLE)
WILLIAMS, CAROLE STEWART ERICKSON,)
MARIE HENDERSON, GRACE WILHELM, ERMA)
SHELLEY, and REGA SHELLEY,)

Plaintiffs,)

vs.)

HENRY EAGLE, WATERMASTER, District)
No. 36, State of Idaho,)

Defendant.)

Civil No. 5884

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This cause came on for trial in open court in St. Anthony, Fremont County, Idaho, on November 12, 1964, at 2:30 o'clock p.m., Holden, Holden & Kidwell appearing for and in behalf, and as attorneys of record of the above named plaintiffs, and no one appearing for or in behalf of the above named defendants, and no other person or persons appearing to oppose or contest the claims or rights of the plaintiffs in said cause, whereupon witnesses were duly and regularly sworn and examined, and testified for and in behalf of the above named plaintiffs, thereupon the above named plaintiffs rested and the above named defendant having submitted no proof whatever, this cause was thereupon submitted to the court for its decision upon the testimony and documentary evidence submitted for and in behalf of the above named plaintiffs, and the Court being fully advised in the premises, now finds as follows:

FINDINGS OF FACT

I

That the above named defendant, Henry Eagle, Watermaster,

22-7008

District No. 36, State of Idaho, has been duly and regularly served with a true copy of the Summons issued out of said Court in said cause, attached to which was a true copy of the Complaint filed herein; that the said defendant failed to appear, answer or otherwise plead to plaintiffs' Complaint on file herein, either in person or by his attorney, within the time required by law, or at any other time, except for the filing of a Stipulation between plaintiffs and said defendant; that the time for answering having expired, the default of said defendant having been duly and regularly entered according to law; that the said defendant is the duly authorized and acting Watermaster of District No. 36 of the State of Idaho, and that said defendant is not in the Military Service of the United States, nor in any branch of service thereof.

II

That pursuant to an Order of this Court, Notice of Pendency and Purpose of Action was published once a week for three weeks in the Post-Register, of Idaho Falls, Bonneville County, Idaho, a newspaper of general circulation, and in the Teton Valley News of Driggs, Teton County, Idaho, a newspaper of general circulation in the County of Teton; and that the last publication of said Notice of Pendency and Purpose of Action was published in said newspapers on November 8, 1964 and November 5, 1964, respectively; and that no person or persons appeared to contest or oppose the claims or rights so asserted by plaintiffs, within the time required by said Notice of Pendency and Purpose of Action, or at any other time.

III

That at all times since April 1, 1939, the County of Teton, has been and is now included within the boundaries of Water District

No. 36, State of Idaho, and that said Water District No. 36 was and is, duly created and existing under the laws of the State of Idaho for the purpose of distributing the waters therein, including the waters of Badger Creek.

IV

That since on or about the 3rd day of March, 1959, the defendant, Henry Eagle, has been and now is, the duly elected, qualified and acting Watermaster of District No. 36, State of Idaho.

V

That in an action heretofore commenced in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, wherein Rexburg Irrigation Company et al were plaintiffs, and the Teton Irrigation Canal Company et al were defendants, waters of the Snake River and its tributaries, including Badger Creek, were decreed to the users thereof by judgment of said Court made and entered therein by the Honorable J. M. Stevens, Judge of said Court, which said judgment bore date of December 16, 1910, and appears in the records of Fremont County, Idaho.

VI

That the lands owned by the plaintiffs herein, are located and situated in the County of Teton in the State of Idaho, and within the boundaries of Water District No. 36, and more particularly described in plaintiffs' Complaint on file herein, and hereinafter particularly described in the Decree made and entered pursuant to the Findings.

VII

That at all times mentioned in plaintiffs' Complaint the lands owned by the plaintiffs and described in plaintiffs' Complaint on file herein has been and now are dry and arid in character and require the artificial application of water thereto in order to produce profitable crops thereon, and said lands are worthless without irrigation.

VIII

That on or before the 1st day of April, 1939, and during the irrigation season of each and every year since said date, the plaintiffs each have diverted respectively, the number of cubic feet of water per second of time alleged in plaintiffs' Complaint on file herein, and more particularly set forth in the Decree entered pursuant to these Findings; that said diversions were at the places alleged in plaintiffs' Complaint and that the said water so diverted has been applied to beneficial use through the irrigation of the lands of the plaintiffs and for domestic purposes during each irrigation season of each and every year since the 1st day of April, 1939; that the waters so diverted and applied to beneficial use were and are necessary for the complete enjoyment of the rights and priorities of the plaintiffs, and were and are necessary for the successful irrigation of the said lands of the plaintiffs and for domestic purposes.

IX

That the plaintiffs herein are now, and have been at all times herein mentioned, from and after April 1, 1939, owners of canals, laterals, ditches and irrigation systems sufficient in size

and capacity to conduct and carry to their respective lands described in plaintiffs' Complaint, all of said plaintiffs' decreed and other water rights as well as the number of cubic feet of water per second diverted and applied to the beneficial use on or before April 1, 1939, as alleged in plaintiffs' Complaint and more particularly set forth in the Decree entered pursuant to these Findings, and that said plaintiffs' decreed water rights, as well as other rights, together with the rights sought to be decreed in this action, are all necessary for the successful irrigation of the respective lands of the plaintiff and for domestic purposes.

X

That the diversion and use of said waters of Badger Creek by the respective plaintiffs herein, as aforesaid, have never been denied and have never lapsed on account of nonuse or for any other reason; and that plaintiffs have never secured an adjudication of said rights to the use of the number of cubic feet of water per second of time sought by the respective plaintiffs in their Complaint on file herein.

XI

That said plaintiffs are the owners of the rights to the use of said water and are entitled to the possession of the number of cubic feet per second of time of the waters of Badger Creek, as alleged by the respective plaintiffs in their Complaint on file herein, and that said ownership and right to the use of said waters dates from the time of diversion and use which is the 1st day of April, 1939.

XII

That all rights and claims of each and every person or

persons, or other claimants whomsoever, to the use of the waters of Badger Creek, which were initiated after April 1, 1939, and the use of the waters diverted and applied to a beneficial use by the plaintiffs herein, or or before April 1, 1939, as aforesaid, are subsequent in time and inferior in right, and subject to the rights of the plaintiffs herein.

XIII

That the plaintiffs acknowledge as binding upon them the Findings of Fact and Conclusions of Law upon which said Decree of December 16, 1910, in the case of Rexburg Irrigation Company et al vs. Teton Irrigation Company et al was based, and likewise acknowledge as binding upon them the said decree and adjudication of the water rights of the Snake River and its tributaries as set forth in said decree, and further accept as binding upon them all of the provisions thereof.

CONCLUSIONS OF LAW

I

That plaintiffs are entitled to a Summary Supplemental Adjudication and Decree of their water rights under the provisions of Section 42-1405, Idaho Code, for the number of cubic feet of water per second of time alleged by each of the plaintiffs respectively in their Complaint on file herein, of and from the waters of Badger Creek with a priority date of April 1, 1939, to be diverted from said Badger Creek at the points alleged and set forth in plaintiffs' Complaint on file herein, for the irrigation of the said lands of the respective plaintiffs as alleged in plaintiffs' Complaint on file herein; all of which is particularly described in the Decree

entered pursuant to these Conclusions of Law.

II

Let judgment and decree be entered in accordance with the foregoing Findings and Conclusions.

Dated this 12 day of November, 1964.

Willard C. Burton
Willard C. Burton
DISTRICT JUDGE

STATE OF IDAHO,

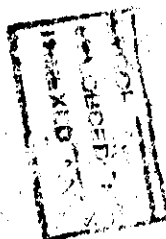
County of Fremont,

I, La Monte Bauer, Clerk of the District Court, and ex-Office Auditor and Recorder, do hereby certify the above and foregoing to be a true and correct copy of that certain Findings of Fact as the same appears on file and of record in my office as Instrument No. 5885 in Case 5885.

Witness my hand and seal of said office this 12 day of Nov, 1964.

By La Monte Bauer

CS284



FILED IN CASE NO. 5885
COUNTY OF FREMONT
STATE OF IDAHO
NOV 12 1964
CLERK OF DISTRICT COURT
FREMONT, IDAHO

entered pursuant to these Conclusions of law.

II

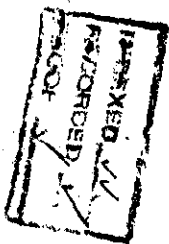
Let judgment and decree be entered in accordance with the

foregoing Findings and Conclusions.

Passed this 12 day of November, 1904.

DISTRICT JUDGE
WILLARD C. BURTON
WILLARD C. BURTON

STATE OF IDAHO,
County of Teton.
I, _____, Clerk of the District
Court, and ex-Officio Auditor and Recorder, do hereby certify
the above and foregoing to be a true and correct copy of that
contained in the _____ as the
same appears on file and of record in my office as instrument
No. _____ in _____
Witness my hand and seal of said office this _____
day of _____, 1904.



62584

STATE OF IDAHO
COUNTY OF TETON ss

Filed for Record at the Request of

Wm. H. H. H.

at _____ minutes past _____

O'clock _____ 15th

day of _____ 1905

and Recorded in Book _____

of _____ 125

Records of Teton, County

State of Idaho

Wm. H. H. H.

By _____ Recorder

Deputy

1450

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

NATHAN RICKS, ALFRED T. RICKS, Jr.,)
OWEN R. RICKS, P. S. RAMMELL, LEON)
RAMMELL, JOHN REILEY, HORACE ROBSON,)
LEONARD WARD, RUELAND WARD, MYRTLE)
WILLIAMS, CAROLE STEWART ERICKSON,)
MARIE HENDERSON, GRACE WILHELM, ERMA)
SHELLEY, and REGA SHELLEY,)

Civil No. 5884

Plaintiffs,)

JUDGMENT AND DECREE

-vs-

HENRY EAGLE, WATERMASTER, District)
No. 36, State of Idaho,)

Defendant.)

This cause came on for trial in open Court at St. Anthony, County of Fremont, Idaho, on the 12th day of November, 1964, at the hour of 2:30 p.m., of said day, Holden, Holden & Kidwell appearing for and as the attorneys of record of the above named plaintiffs, and no one appearing for or in behalf of the above named defendant, and no person or persons having appeared to contest or oppose plaintiffs' claims and rights asserted herein, and the Court having examined the proofs offered by the said plaintiffs, and having filed herein its Findings of Fact and Conclusions of Law and having ordered and directed that Judgment and Decree be entered in accordance therewith, and the Court being fully advised in the premises:

I

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Nathan Ricks, be awarded and is entitled to divert and use 2.6 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in

22-7008

addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The West Half ($W\frac{1}{2}$) of Section Six (6), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter ($NW\frac{1}{4}$) of Section 8, Township 6 North, Range 45 E.B.M.

II

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Alfred T. Ricks, Jr., be awarded and is entitled to divert and use 5.0 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The West Half ($W\frac{1}{2}$) of Section Thirty-six (36), Township Seven (7) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter ($SW\frac{1}{4}$) of Section 36, Township 7 North, Range 44 E.B.M.

III

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Owen R. Ricks, be awarded and is entitled to divert and use 8.4 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to

be appurtenant to, the following described lands, to-wit:

The East Half ($E\frac{1}{2}$) of Section Thirty-six (36),
all in Township Seven (7) North, Range Forty-four
(44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter
($NW\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.

IV

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
plaintiffs, P. S. Rammell and Leon Rammell, be awarded and are
entitled to divert and use 6.6 cubic feet of water per second
of time of the waters of Badger Creek with a priority date of
April 1, 1939, in addition to all other decreed and other rights
now owned by said plaintiffs, for domestic purposes and for
irrigation of, and to be appurtenant to, the following des-
cribed lands, to-wit:

The East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$),
Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$),
all in Section Twenty-four (24), Township Six (6)
North, Range Forty-four (44), East of the Boise
Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter
($SW\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

V

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
plaintiff, P. S. Rammell, be awarded and is entitled to divert
and use 4.4 cubic feet of water per second of time of the waters
of Badger Creek with a priority date of April 1, 1939, in addi-
tion to all other decreed and other rights now owned by said
plaintiff, for domestic purposes and for irrigation of, and

to be appurtenant to, the following described lands, to-wit:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13); the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-four (24), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

VI

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, John Reiley, be awarded and is entitled to divert and use 6.0 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section Two (2); Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), all in Township Six (6) North, Range Forty-five (45) E.B.M.,

and to be diverted from said Badger Creek in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, Township 6 North, Range 45, E.B.M.

VII

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Horace Robson, be awarded and is entitled to divert and use 2.4 cubic feet of water per second of time of the waters

of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

Lot Two (2), Section Six (6), Township Six (6) North, Range Forty-five (45) E.B.M., and the West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Thirty-one (31), Township Seven (7) North, Range Forty-five (45) East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter ($NW\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.

VIII

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Leonard Ward, be awarded and is entitled to divert and use 11.0 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12), the Northeast Quarter ($NE\frac{1}{4}$), the Southwest Quarter ($SW\frac{1}{4}$) and the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$), Section One (1), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter ($NW\frac{1}{4}$) of Section 8, and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 7, all in Township 6 North, Range 45 E.B.M.

IX

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Rueland Ward, be awarded and is entitled to divert

and use 7.6 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Northwest Quarter (NW $\frac{1}{4}$), the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Section One (1), Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, Township 6 North, Range 45 E.B.M.

X

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Myrtle Williams, be awarded and is entitled to divert and use 5.4 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$), South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$), in Section Eight (8), Township 6 North, Range 45, East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, and the Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9), all in Township 6 North, Range 45 E.B.M.

XI

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Carole Stewart Erickson, Marie Henderson, Grace

Wilhelm, Erma Shelley and Rega Shelley, be awarded and are entitled to divert and use 5.8 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiffs, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), all in Section Seven (7), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian.

Lot One (1), in Section Six (6), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, all in Township 6 North, Range 45, E.B.M.

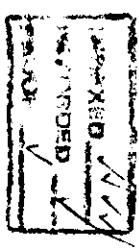
XII

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the water rights and priorities awarded and decreed in that certain action in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, of Rexburg Irrigation Company, et al vs. Teton Irrigation Company, et al, and the Findings of Fact, Conclusions of Law, and Decree in said action bearing date of December 16, 1910, as appears of record in the records of Fremont County, Idaho, are binding upon the plaintiffs in this action.

Judgment entered this 12 day of November, 1964.

(s) Willard C. Burton
Willard C. Burton
District Judge

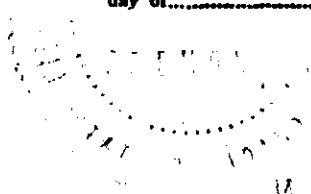
STATE OF IDAHO
 COUNTY OF TETON
 Filed for Record at the Request of
James H. Baker
 at 40 minutes past 9
 O'clock A.M. 15th
 day of Feb 1965
 and Recorded Book 88
Page 127
 of Records of Teton, County
 State of Idaho.
James H. Baker
 Recorder
 By James H. Baker
500 Deputy



62585

STATE OF IDAHO,
 County of Fremont,
 I, Le Monte Dancer Clerk of the District
 Court, and ex-Officio Auditor and Recorder, do hereby certify
 the above and foregoing to be a true and correct copy of that
 certain Quincy K. Kline as the
 same appears on file and of record in my office as Instrument
 No. Case 582, in
 Witness my hand and seal of said office this 6th
 day of Nov, 1965

By Le Monte Dancer



2900000000
20
at

January 5, 1968

Re: Application No. 39493

Spring Creek & Lower N. Leigh Creek
Water Users Association, Inc.
c/o Mary Smith, Attorney at Law
Rexburg, Idaho 83440

Gentlemen:

On April 25, 1967, I wrote to you and ask information concerning the status of the supplemental adjudication suit which apparently was filed in the Twelfth Judicial District Court for Teton County, in 1964.

This office has been withholding action on the application of the Spring Creek and Lower North Leigh Creek Water Users Association until we receive the outcome of that litigation. Since the application is over four years old, we would like to take some action on it, or reject it to clear it from the records.

I will appreciate your advising me concerning this within the next ten (10) days.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Holden, Holden & Kidwell
Attorneys at Law
Idaho Falls, Idaho

22-7008

April 25, 1967

Application No. 39493

Spring Cr. & Lower No. Leigh Creek
Water Users Association, Inc.
c/o Mary Smith
Rexburg, Idaho

Gentlemen:

This office is attempting to clear its records of all applications for permit on which action has not been completed. One of these is your application No. 39493 which seeks to appropriate 75.54 c.f.s. from Badger Creek for irrigation purposes. The application was protested by a number of property owners through their attorneys Holden, Holden, and Kidwell, Idaho Falls, and this office has been advised that an action is filed in the Twelfth Judicial District Court seeking a supplemental decree covering the waters in Badger Creek.

We have received no word regarding this matter since February of 1964 and I will appreciate your advising me of the status of the supplemental adjudication and what plans you have, if any, with regard to processing Application #39493.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Holden, Holden & Kidwell
Attorneys at Law
Idaho Falls, Idaho

2-2-7003

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE CASE OF APPLICATION NO
39493, for Permit to Divert Water
and Appropriate 75.54 cubic feet
per second of the waters of
Badger Creek, by SPRING CREEK
and LOWER NORTH LEIGH CREEK WATER
USERS ASSOCIATION, Inc.

NOTICE OF HEARING

ON PROTESTS AND CONTINUATION OF

SAID HEARING

On the 18th day of September, 1963, Spring Creek & Lower North Leigh Creek Water Users Association, Inc., made application for permit to divert and appropriate 75.54 cubic feet per second of the waters of Badger Creek for irrigation purposes. The application was numbered Application No. 39493 by the Department of Reclamation.

Notice was given by publication in the Teton Valley News and a protest was filed by twelve owners of decreed water out of Badger Creek.

Idaho Code 42-203, provides that hearing in regard to said application and protest shall be held within sixty (60) days from issuance of notice of application.

Due to proposed adjudication of the waters of Badger Creek and on the request of the protestants, the hearing on the application is hereby postponed to a later date to be set by the State Reclamation Engineer.

Deputy State Reclamation Engineer

22-700X

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

IN THE CASE OF APPLICATION NO
39493, for Permit to Divert Water
and Appropriate 75.54 cubic feet
per second of the waters of
Badger Creek, by SPRING CREEK
and LOWER NORTH LEIGH CREEK WATER
USERS ASSOCIATION, Inc.

) NOTICE OF HEARING
)
) ON PROTESTS AND CONTINUATION OF
)
) SAID HEARING
)

On the 18th day of September, 1963, Spring Creek & Lower North Leigh Creek Water Users Association, Inc., made application for permit to divert and appropriate 75.54 cubic feet per second of the waters of Badger Creek for irrigation purposes. The application was numbered Application No. 39493 by the Department of Reclamation.

Notice was given by publication in the Teton Valley News and a protest was filed by twelve owners of decreed water out of Badger Creek.

Idaho Code 42-203, provides that hearing in regard to said application and protest shall be held within sixty (60) days from issuance of notice of application.

Due to proposed adjudication of the waters of Badger Creek and on the request of the protestants, the hearing on the application is hereby postponed to a later date to be set by the State Reclamation Engineer.

Deputy State Reclamation Engineer

22-7008

September 20, 1964

Re: Application No. 39493

Holden, Holden, & Kidwell
Attorneys at Law
Idaho First National Bank Bldg.
Idaho Falls, Idaho

Gentlemen:

Enclosed is the Notice of Hearing and Continuation of
Said Hearing in regard to the above numbered application, in
the name of Spring Creek and Lower North Leigh Creek Water
Users Association, Inc.

You will be notified when hearing is to be held.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Notice

52-7008

LAW OFFICES

HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

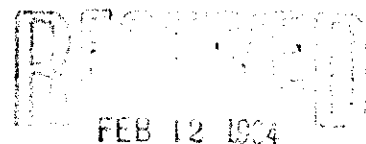
IDAHO FALLS, IDAHO

TELEPHONE 523-0620
AREA CODE 208

February 10, 1964

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
BLAINE S. BUTLER
FRED J. HAHN
LON F. DAVIS
TERRY L. CRAPO
OF COUNSEL
ARTHUR W. HOLDEN

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)



Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Re: Protest on Application No. 39493
Our File 1101

Dear Mr. Tappan:

As stated to you in our letter of January 15, 1964, we have been in the process of obtaining the necessary information to file an action for summary supplemental adjudication of water rights on Badger Creek in Teton County. As one of our grounds for protest against the application No. 39493 for diversion of water from Badger Creek is that there is insufficient unappropriated water in Badger Creek to fill the application, it is necessary to proceed with the supplemental adjudication in order to determine whether there is sufficient unappropriated water left in the stream to fill the permit asked for in the application.

We have now filed this action for supplemental adjudication in the Twelfth Judicial District, in and for the County of Fremont and are enclosing a copy of the Complaint to be attached to our protest on file in your office.

We will inform you when the supplemental adjudication has been completed so that a hearing may be set on the protest against application No. 39493.

Thank you for your consideration in this matter

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By


Lon F. Davis

LFD:kh
Encl.

22-7608

RECEIVED
FEB 12 1964

SUMMONS

IN THE DISTRICT COURT OF THE ~~TWELFTH~~ ~~NINTH~~ ~~JUDICIAL~~ ~~DISTRICT~~ OF THE STATE
OF IDAHO, IN AND FOR ~~BONNEVILLE~~ ~~COUNTY~~ ~~FRONT~~

(COPY)

NATHAN RICKS, ALFRED T. RICKS, JR., OWEN R. RICKS,
P. S. RAMMELL, LEON RAMMELL, JOHN REILEY, HORACE
ROBSON, LEONARD WARD, RUELAND WARD, MYRTLE WILLIAMS,
CAROLE STEWART ERICKSON, MARIE HENDERSON, GRACE
WILHELM, ERNA SHELLEY and BEGA SHELLEY, Plaintiff^s,

VS.

HENRY EAGLE, Watermaster, District No. 36, State
of Idaho, Defendant....

Civil No. _____

Summons

THE STATE OF IDAHO SENDS GREETINGS TO HENRY EAGLE, Watermaster,
District No. 36, State of Idaho,

the above named defendant.

You are hereby notified that a complaint has been filed against you in the District
Court of the ~~NINTH~~ ~~JUDICIAL~~ ~~DISTRICT~~ of the State of Idaho, in and for the County of ~~BONNEVILLE~~ ~~FRONT~~,
by the above named plaintiff..., and you are hereby directed to appear and plead to the
said complaint within twenty days of the service of this summons.

AND YOU ARE FURTHER NOTIFIED, That unless you so appear and plead to
said complaint within the time herein specified, the plaintiff will take judgment against
you as prayed for in said complaint.

WITNESS, My hand and the seal of said District Court this

day of February, 19 64
HOLDEN, HOLDEN & KIDWELL

Mrs. LaMont Bauer

Clerk.

Lon F. Davis
A Member of the Firm
Attorney^s for Plaintiff.

By

Deputy Clerk.

Residence and P. O. Address
Idaho First National Bank Bldg.
Idaho Falls, Idaho

(seal)

22-7008

STATE OF IDAHO, } ss.
County of Bonneville }

I HEREBY CERTIFY that I received the within Summons on the.....
day of....., 19....., and personally served the same on the.....
day of....., 19....., on.....
the defendant.... named in said Summons, by delivery to.....
the said defendant..... personally at.....

in the County of Bonneville, a copy of said Summons together with a copy of the complaint
in said action, attached to said copy of Summons

Dated this.....day of....., 19.....

Sheriff Bonneville County.

By _____ Deputy.

No.

District Court

Ninth Judicial District

STATE OF IDAHO
COUNTY OF BONNEVILLE

Plaintiff....

vs.

Defendant....

SUMMONS

Filed the.....day of

19.....

Clerk.

By

Deputy Clerk.

Residence

Idaho, Attorney for Plaintiff....

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

(COPY)

NATHAN RICKS, ALFRED T. RICKS, Jr.,	)	
OWEN R. RICKS, P. S. RAMMELL, LEON	)	
RAMMELL, JOHN REILEY, HORACE ROBSON,	)	Civil No. _____
LEONARD WARD, RUELAND WARD, MYRTLE	)	
WILLIAMS, CAROLE STEWART ERICKSON,	)	
MARIE HENDERSON, GRACE WILHELM, ERMA	)	
SHELLEY, and REGA SHELLEY,	)	
	)	
Plaintiffs,	)	
	)	COMPLAINT
-vs-	)	
	)	
HENRY EAGLE, Watermaster, District	)	
No. 36, State of Idaho,	)	
	)	
Defendant.	)	

Comes now the above named plaintiffs and allege as follows:

I

That the above named plaintiffs each own lands in Teton County, Idaho, adjacent or near to a stream known as Badger Creek and that they and their predecessors have for many years been diverting water from said stream to irrigate the lands owned by them.

II

That since on or about the 3rd day of March, 1959, the defendant, Henry Eagle, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho.

III

That all of the lands owned by the plaintiffs, as herein-after described, and the entire length of said Badger Creek and its entire watershed, all lie within the boundaries of Water District No. 36 of the State of Idaho and that said Water District No. 36 was and is duly created and existing under the laws of the State of Idaho for the purpose of distributing the waters within its boundaries, including all of the waters of Badger Creek in Teton County, Idaho.

IV

That the plaintiff, Nathan Ricks, is the owner of the following described lands within the boundaries of Water District 36:

The West Half ($W\frac{1}{2}$) of Section Six (6), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter ($NW\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 2.6 cubic feet of water per second or 130 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

V

That the plaintiff, Alfred T. Ricks, Jr., is the owner of the following described lands within the boundaries of Water District 36:

The West Half ($W\frac{1}{2}$) of Section Thirty-six (36), Township Seven (7) North, Range Forty-four (44) East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Southwest Quarter ($SW\frac{1}{4}$) of Section 36, Township 7 North, Range 44 E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek

of the unappropriated waters thereof, 5.0 cubic feet of water per second or 250 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

VI

That the plaintiff, Owen R. Ricks, is the owner of the following described lands within the boundaries of Water District 36:

The East Half ($E\frac{1}{2}$) of Section Thirty-six (36), all in Township Seven (7) North, Range Forty-four (44), East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter ($NW\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 8.4 cubic feet of water per second or 420 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

VII

That the plaintiffs, P. S. Rammell and Leon Rammell, are the joint owners of the following described lands within the boundaries of Water District 36:

The East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$), Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), all in Section Twenty-four (24), Township Six (6) North, Range Forty-four (44), East of the Boise Meridian.

and of a ditch through which they divert and convey water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.; that plaintiffs or their predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 6.6 cubic feet of water per second or 330 miner's inches, in addition to any rights heretofore awarded or decreed to these plaintiffs or their predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

VIII

That the plaintiff, P. S. Rammell, is the owner of the following described lands within the boundaries of Water District 36:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13); the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-four (24), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 4.4 cubic feet of water per second or 220 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have

beneficially used the same in the irrigation of said lands and for domestic purposes.

IX

That the plaintiff, John Reiley, is the owner of the following described lands within the boundaries of Water District 36:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section Two (2); Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), all in Township Six (6) North, Range Forty-five (45) E.B.M.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, Township 6 North, Range 45, E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 6.0 cubic feet of water per second or 300 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

X

That the plaintiff, Horace Robson, is the owner of the following described lands within the boundaries of Water District 36:

Lot Two (2), Section Six (6), Township Six (6) North, Range Forty-five (45) E.B.M., and the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township Seven (7) North, Range Forty-five (45) East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 2.4 cubic feet of water per second or 120 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

XI

That the plaintiff, Leonard Ward, is the owner of the following described lands within the boundaries of Water District 36:

The Northeast Quarter (NE $\frac{1}{4}$) of Section Twelve (12), the Northeast Quarter (NE $\frac{1}{4}$), the Southwest Quarter (SW $\frac{1}{4}$) and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), Section One (1), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, all in Township 6 North, Range 45 E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 11.0 cubic feet of water per second or 550 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have

beneficially used the same in the irrigation of said lands and for domestic purposes.

XII

That the plaintiff, Rueland Ward, is the owner of the following described lands within the boundaries of Water District 36:

The Northwest Quarter (NW $\frac{1}{4}$), the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Section One (1), Township Six (6) North, Range Forty-four (44), East of the Boise Meridian.

and of a ditch through which he diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, Township 6 North, Range 45 E.B.M.; that plaintiff or his predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 7.6 cubic feet of water per second or 380 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or his predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

XIII

That the plaintiff, Myrtle Williams, is the owner of the following described lands within the boundaries of Water District 36:

The North Half of the North Half (N $\frac{1}{2}$ NW $\frac{1}{4}$), South Half of the North Half (S $\frac{1}{2}$ NW $\frac{1}{4}$) in Section Eight (8), Township 6 North, Range 45, East of the Boise Meridian.

and of a ditch through which she diverts and conveys water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, and the Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9),

all in Township 6 North, Range 45, E.B.M.; that plaintiff or her predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 5.4 cubic feet of water per second or 270 miner's inches, in addition to any rights heretofore awarded or decreed to this plaintiff or her predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

XIV

That the plaintiffs, Carole Stewart Erickson, Marie Henderson, Grace Wilhelm, Erma Shelley and Rega Shelley are the joint owners of the following described lands within the boundaries of Water District 36:

The Northeast Quarter (NE $\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), all in Section Seven (7), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian.

Lot One (1), in Section Six (6), Township Six (6) North, Range Forty-five (45), East of the Boise Meridian.

and of a ditch through which they divert and convey water from Badger Creek for irrigation of the above described lands; that the points of diversion or diversion works are located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, the Northwest Quarter (NW $\frac{1}{4}$) of Section 8 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, all in Township 6 North, Range 45, E.B.M.; that plaintiffs or their predecessors in interest, ever since the 1st day of April, 1939, have during each irrigating season, diverted from Badger Creek of the unappropriated waters thereof, 5.8 cubic feet of water per second or 290 miner's inches, in addition to any rights heretofore awarded or decreed to these plaintiffs or their predecessors in interest and have beneficially used the same in the irrigation of said lands and for domestic purposes.

XV

The canals, laterals, ditches and irrigation systems of each of the plaintiffs are now, and have been at all times, of sufficient size and capacity to conduct and carry to their respective lands described in the preceding paragraphs all of the decreed and other water rights of each plaintiff, as well as the number of cubic feet of water per second so diverted and used by each of the plaintiffs, respectively, as set forth in the preceding paragraphs.

XVI

That in an action heretofore commenced in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, wherein Rexburg Irrigation Company, et al, were plaintiffs, and Teton Irrigation Canal Company, et al, were defendants, the waters of Badger Creek and its tributaries were decreed to the users thereof, by the Decree of said Court made and entered therein by the Honorable J. M. Stevens, Judge of said District Court, which said Decree bears date of December 16, 1910, and appears of record in the records of Fremont County, Idaho.

XVII

That since the making and entering of said Decree, the County of Teton has been created by an Act of the Legislature of the State of Idaho, out of a portion of the said County of Fremont.

XVIII

Plaintiffs allege that the Findings of Fact and Conclusions of Law upon which said Decree of December 16, 1910, in the case of Rexburg Irrigation Company, et al vs. Teton Irrigation Canal Company, et al, was based and the said Decree and adjudication of water rights made therein are binding upon the plaintiffs and plaintiffs accept the provisions thereof as binding upon them.

WHEREFORE, plaintiffs pray for Judgment, Decree and Order of this Court as follows:

I

That Summons issue out of this Court in said cause to be served upon the defendant, Henry Eagle.

II

That the Court make an Order directing the publication of Notice of the pendency and purpose of said action once each week for at least three weeks, as provided by law, and that a time be fixed in said Order and Notice after the expiration of which said cause may be brought on for hearing in open Court and that thereupon the Court determine the rights of the plaintiffs in and to said waters and the use thereof in accordance with the proofs submitted by plaintiffs, but subject to the terms of the Decree dated December 16, 1910, in the case of Rexburg Irrigation Company et al vs. Teton Irrigation Canal Company, et al.

III

That the plaintiff, Nathan Ricks, be decreed the right to the use of 2.6 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

IV

That the plaintiff, Alfred T. Ricks, Jr., be decreed the right to the use of 5.0 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

V

That the plaintiff, Owen R. Ricks, be decreed the right to the use of 8.4 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

VI

That the plaintiffs, P. S. Rammell and Leon Rammell, be decreed the right to the use of 6.6 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiffs as described herein.

VII

That the plaintiff, P. S. Rammell, be decreed the right to the use of 4.4 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

VIII

That the plaintiff, John Reiley, be decreed the right to the use of 6.0 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

IX

That the plaintiff, Horace Robson, be decreed the right to the use of 2.4 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

X

That the plaintiff, Leonard Ward, be decreed the right to the use of 11.0 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

XI

That the plaintiff, Rueland Ward, be decreed the right to the use of 7.6 cubic feet of water per second of time of and from

the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

XII

That the plaintiff, Myrtle Williams, be decreed the right to the use of 5.4 cubic feet of water per second of time of and from the waters of Badger creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiff as described herein.

XIII

That the plaintiffs, Carole Stewart Erickson, Marie Henderson, Grace Wilhelm, Erma Shelley and Rega Shelley, be decreed the right to the use of 5.8 cubic feet of water per second of time of and from the waters of Badger Creek with a priority date of April 1, 1939, to be appurtenant to the lands of said plaintiffs as described herein.

XIV

For such other and further relief as is just and equitable.

HOLDEN, HOLDEN & KIDWELL

Lon F. Davis

Lon F. Davis
A Member of the Firm
Attorneys for Plaintiffs
Residence and P. O. Address
Idaho First National Bank Bldg.
Idaho Falls, Idaho

STATE OF IDAHO)
) ss.
County of Bonneville)

LON F. DAVIS, being first duly sworn, on oath, deposes and says:

That he is one of the attorneys for the plaintiffs in the above entitled action and that he makes this verification for and on

behalf of each of the plaintiffs for the reason that all of the plaintiffs are absent from and reside out of the County of Bonneville, where he, the said attorney, resides; that he has read the foregoing Complaint, knows the contents thereof and believes the same to be true.

Lon F. Davis

Subscribed and sworn to before me this 10th day of
February, 1964.

(seal)

Dorothy Grimmett

Notary Public
For the State of Idaho
Residing at Idaho Falls, Idaho

My Commission Expires: May 10, 1965.

January 20, 1964

Re: Application No. 39493
Spring Creek & Lower North
Leight Creek Water Users Ass'n.

Miss Mary Smith
Attorney at Law
Resburg, Idaho

Dear Miss Smith:

Enclosed is the Notice of Hearing and Continuation
of Said Hearing in regard to the above numbered application, in
the name of Spring Creek and Lower North Leight Creek Water Users
Association, Inc.

You will be notified when hearing is to be held.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew
Enc. Notice

22-7008

LAW OFFICES

HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

IDAHO FALLS, IDAHO

TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
BLAINE S. BUTLER
FRED J. HAHN
LON F. DAVIS
TERRY L. CRAPO
OF COUNSEL
ARTHUR W. HOLDEN

January 15, 1964

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
107 Statehouse
Boise, Idaho

Dear Mr. Tappan:

Re: Protest on Application No. 39493
Our File: 1101

As stated to you in our telephone conversation on this date, as well as previously, we are in the process of collecting the necessary information to file an action in the state District Court to obtain a Supplemental Decree of Water Rights on Badger Creek in Teton County on behalf of a number of water users on that stream. These are the same persons who entered the protest against the approval and issuance of permit under Application No. 39493 for the diversion of water from Badger Creek.

As one of the grounds for the protest, we have alleged that there is insufficient water in Badger Creek to fill all the existing water rights and leave sufficient water to fill the rights sought by the application. The outcome of the proposed proceedings to obtain a Supplemental Decree on Badger Creek will be very relevant in determining whether there is sufficient unappropriated water in Badger Creek to fill the rights sought by the application. On behalf of the protestants in this matter, we therefore ask that the hearing on the protest be postponed and delayed until the Supplemental Decree on Badger Creek is adjudicated.

One of the problems we have encountered in filing the action for the Supplemental Decree is the difficulty in ascertaining the exact amount of additional water which has been used by these people, as it is impossible to make any measurements at this time of year. We hope, however, to obtain some estimates of the

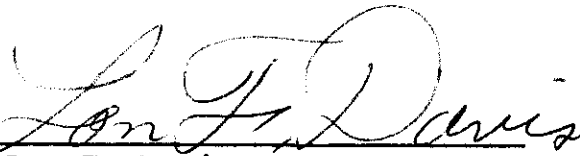
92-7001

Mr. Carl E. Tappan
Page Two
January 15, 1964

amount by the end of this week so as to file the action realizing that the amounts may have to be amended when we can make accurate measurements next spring. Upon filing this Complaint, we will send you a copy to attach to the protest.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By 
Lon F. Davis

LFD:kh

cc: Miss Mary Smith
Attorney at Law
Rexburg, Idaho

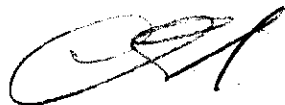
32-7008

1-8/64

Henri

Holden Holden it seems
ask that that be held
until it is determined
whether to take court

action in the matter
of water adjudication



January 9, 1964

RE: Application No. 39493

Holden, Holden & Kidwell
Attorneys at Law
Idaho First National Bank Building
Idaho Falls, Idaho

Gentlemen:

Enclosed is departmental receipt No. 32021 in the amount of \$9.75 covering the fee for a copy of Application No. 39493 and the application to appropriate water for underground storage.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. receipt

52-7008

HOLDEN, HOLDEN & KIDWELL
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO
JACKSON 3-0620

RECEIVED
JAN 9 1964
Department of Reclamation

January 6, 1964

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho

Dear Sir:

Enclosed is our check, payable to the order of the Department of Reclamation, in the sum of \$9.75, which is in payment of a copy of Application No. 39493 and a copy of the Application to Appropriate water for underground storage.

Thank you very kindly.

Yours very truly,

HOLDEN, HOLDEN & KIDWELL

By

Anthony J. Jernett
Secretary

December 31, 1963

Re: Your File No. 1101

Holden, Holden & Kidwell
Idaho First National Bank Bldg.
Idaho Falls, Idaho

Attn: Len F. Davis

Dear Mr. Davis:

We acknowledge receipt of your letter dated December 30th and the accompanying protest. We propose to hold the hearings as required by Idaho Code before January 22, 1964.

A copy of Application No. 39493 is enclosed. Also a copy of the Application to Appropriate water for underground storage.

The charge for these copies is \$9.75, which should be mailed to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

Enclosures

32-7003

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
BLAINE S. BUTLER
FRED J. HAHN
LON F. DAVIS
TERRY L. CRAPO
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO
TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

DECEMBER 30, 1963

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MR. CARL E. TAPPAN
STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

DEAR MR. TAPPAN:

Re: Our File 1101

ENCLOSED FOR FILING IS A PROTEST WHICH WE HAVE SIGNED
ON BEHALF OF A NUMBER OF WATER USERS HAVING DECREED WATER RIGHTS
IN BADGER CREEK IN TETON COUNTY.

IN CONNECTION WITH THIS PROTEST, WE WOULD LIKE TO HAVE
A COPY OF THE APPLICATION No. 39493 WHICH WAS FILED BY SPRING
CREEK & LOWER NORTH LEIGH CREEK USERS ASSOCIATION, INC. IF YOUR
OFFICE HAS THE NECESSARY FACILITIES TO DUPLICATE THIS APPLICATION,
WE WILL BE MOST HAPPY TO PAY ANY DUPLICATION FEE INVOLVED.

WE ARE ALSO WONDERING WHETHER IT IS POSSIBLE TO OBTAIN
A COPY OF THE APPLICATION TO APPROPRIATE WATERS FOR UNDERGROUND
STORAGE IN THE MUD LAKE AREA WHICH WE NOTICED HAS BEEN FILED
JUST RECENTLY. AGAIN, WE WILL BE GLAD TO PAY ANY COSTS INVOLVED
IN THE DUPLICATION.

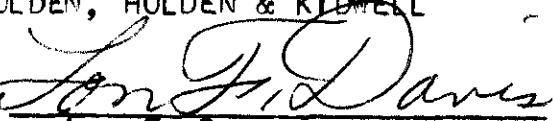
YOUR ATTENTION TO OUR REQUESTS WILL BE GREATLY APPRE-
CIATED.

BEST WISHES.

VERY TRULY YOURS,

HOLDEN, HOLDEN & KIDWELL

BY


LON F. DAVIS

LFD:KH
ENCL.

23-7008

LAW OFFICES

W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

December 23, 1963

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho 83701

39403

Re: Application for Permit No. ~~39394~~
Spring Creek & Lower No. Leigh Cr.
Water Users Ass'n., Inc.

Dear Mr. Tappan:

I am enclosing herewith the Affidavit
of Publication of Notice of Application in the
above matter.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

22-7008

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

November 27, 1963

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Re: Application for Permit No. 39394
Spring Creek & Lower No. Leigh Cr.
Water Users Ass'n., Inc.

Dear Mr. Tappan:

I am enclosing herewith the signed copy
of Notice of Application in the above matter. As
soon as the publication is completed and I receive
the Affidavit of Publication, I will mail it to you.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

33-7008

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That SPRING CREEK & LOWER NORTH LEIGH CREEK WATER USERS ASSOCIATION, INC., of Rexburg, Idaho, has made application No. 39493, on the 18th day of September, 1963, which was returned to the applicant for further information and completed application received November 19, 1963, for 36.10 cubic feet per second of the waters of Padger Creek for irrigation purposes.

That the point of diversion is in the NE 1/4, Section 12, Township 6 North, Range 45 East Boise Meridian, and the place of use in Sections 11, 19, 20, 22, 23, 28, 29, 30, 31, 32, 33, 34, T. 6 N., R. 45 East B. M.; Section 1, Township 5 North, Range 44 East, B. M.; Sections 23, 24, 25, 26, 35, 36, Township 6 North, Range 44 East, B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, Boise, Idaho, within forty (40) days from the date of notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 22nd day of November, 1963.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

Date of First Publication: November 27, 1963

Date of Last Publication: December 12, 1963

Last Date for Protest: January 2, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this
26th day of November, 1963.

SPRING CREEK & LOWER NORTH LEIGH CREEK
USERS ASSOCIATION, Inc.

By:

Adrian H. Cook

President.

22-7008

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That SPRING CREEK & LOWER NORTH LEIGH CREEK WATER
USERS ASSOCIATION, INC., of Rexburg, Idaho, has made application No. 39493,
on the 18th day of September, 1963, which was returned to the applicant for
further information and completed application received November 19, 1963, for
36.10 cubic feet per second of the waters of Badger Creek for irrigation
purposes.

That the point of diversion is in the ~~144~~44th NW 1/4, Section 12, Township
6 North, Range 45 East Boise Meridian, and the place of use in Sections 11,
19, 20, 22, 23, 28, 29, 30, 31, 32, 33, 34, T. 6 N., R. 45 East B. M.;
Section 1, Township 5 North, Range 44 East, B. M.; Sections 23, 24, 25, 26,
35, 36, Township 6 North, Range 44 East, B. M.

That any protests against the approval of this application must be
filed in the Department of Reclamation, Boise, Idaho, within forty (40)
days from the date of notice, and such protest shall state the name and
address of the protestant, and shall clearly set forth his objection to the
approval of said application.

Dated this 22nd day of November, 1963.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

Date of First Publication: _____

Date of Last Publication: _____

Last Date for Protest: January 2, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this
_____ day of November, 1963.

SPRING CREEK & LOWER NORTH LEIGH CREEK
USERS ASSOCIATION, Inc.

By: _____

44-7005

November 22, 1963

Re: Application for Permit
No. 39394 - Spring Creek &
Lower No. Leigh Cr. Water Users
Ass'n., Inc.

Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Miss Smith:

Enclosed are three copies of a legal notice to be published in Teton County paper for three successive weekly issues first issue to be within ten days of your receipt of said notice.

Date and sign all three copies, give original to the paper after inserting the missing dates on all copies, return one copy to this office, and retain one copy for your file.

Obtain the affidavit of publication and send it to this office promptly after the third publication.

You will note that the old water rights total 4325 inches and your new application lists 3777 inches, making a total of 8102 inches, as you are only allowed one inch per acre your permit can only show 1805 inches, or 36.10 c. f.s. We have changed the permit and the advertising enclosed is for that amount.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew
Enc. three copies of notice

32-7008

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

November 18,
1963.

Department of Reclamation

Re: Application for Permit
Spring Cr. & Lower No. Leigh Cr. Water Users
Ass'n, Inc.

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Thomas:

I am enclosing herewith the completed application of the
above water association. We have tried to meet all the
requirements contained in your letter of September 19th.

Thanks for your consideration and help.

Yours very truly,

Mary Smith
Mary Smith

s

43-7008

FILE with Application No. 39493 - Spring Creek & Lower No. Leigh Creek
Water Users Assn., Inc.

September 30, 1963

Re: Permit No. 31367
Lynn F. & Earl Lamont Hall
and Andrew E. Boulter

Mary Smith,
Attorney at Law,
Rexburg, Idaho.

Dear Miss Smith:

We enclose Permit No. 31387 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31797 which was issued covering payment in the amount of \$31.25 for the filing fee of the above mentioned permit and for Application No. 39493 in the name of Spring Creek and Lower No. Leigh Creek Water Users Assn., Inc., which application was returned to you on September 19, 1963, for correction.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EUNA P. RUIZ
Chief Clerk

Encl. - Permit & Receipt
EPR:pmk

cc: Lynn F. & Earl L. Hall
and Andrew E. Boulter,
c/o Mary Smith, Attorney
Rexburg, Idaho

22-7008

September 19, 1963

Re: Application for Permit
Spring Cr. & Lower No. Leigh Cr. Water Users
Ass'n., Inc.

Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Miss Smith:

Enclosed is the application for permit which we received today.

The kind of works shown is "Canal System". I presume that includes diversion dam, headgate and ditch. Kindly show size under Nos. 9, 10 and 11.

Answer No. 14 showing "x" for subdivisions and total acreage in each section. The lands shown may include lands which will later be dropped from the permit.

Enclose two maps showing the stream, point of diversion, canal and boundary of the lands to be irrigated. This may be on a scale of 1" equals one mile on the enclosed Form 9.

There is not sufficient room to show existing water rights on the application form. ~~An abstract of the water rights on the application form.~~ An abstract of the water rights may be shown on separate sheets. The sheets enclosed may be used. The top portion of sheet need not be completed except as to source of water.

Return the completed application within sixty days.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application for permit

22-7008