

No Color
Documents
In File

2

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~22-00618~~	~~PEACOCK, J.M.~~ ~~PEACOCK, GEORGE M.~~	~~1.60~~

WATER RIGHT SPLIT BY TRANSFER NO. 4751 (1/16/97)

PARTIAL ASSIGNMENT	22-00618A	PEACOCK, J.M. PEACOCK, GEORGE M.	0.80
PARTIAL ASSIGNMENT	22-00618B	TETON WEST IRRIGATION COMPANY, INC.	0.80

1/17/97

MICROFILMED
JAN 22 1997

Part B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4751
WATER RIGHT NO(S). 22-00225/22-00226/22-00307/22-00308
22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
22-00618B

This is to certify that: **TETON WEST IRRIGATION COMPANY INC**
C/O HOLDEN KIDWELL HAHN & ETC
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 22-00225 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 06/01/1897		
Right No. 22-00226 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 06/01/1898		
Right No. 22-00307 :		
IRRIGATION	04/15 to 10/15	2.00 CFS
Priority: 05/15/1899		
Right No. 22-00308 :		
IRRIGATION	04/15 to 10/15	1.20 CFS
Priority: 06/01/1901		
Right No. 22-00347A :		
IRRIGATION	04/15 to 10/15	0.20 CFS
Priority: 06/01/1901		
Right No. 22-00348A :		
IRRIGATION	04/15 to 10/15	0.60 CFS
Priority: 06/01/1902		
Right No. 22-00349A :		
IRRIGATION	04/15 to 10/15	0.40 CFS
Priority: 06/01/1903		

MICROFILMED
JAN 22 1997

TRANSFER NO. 4751
 WATER RIGHT NO(S). 22-00225/22-00226/22-00307/22-00308
 22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
 22-00618B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 22-00382B :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 01/18/1905		
Right No. 22-00582A :		
IRRIGATION	04/15 to 10/15	0.60 CFS
Priority: 05/15/1897		
Right No. 22-00583A :		
IRRIGATION	04/15 to 10/15	1.00 CFS
Priority: 06/01/1899		
Right No. 22-00618B :		
IRRIGATION	04/15 to 10/15	0.80 CFS
Priority: 01/22/1916		
TOTAL:		11.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right Nos. 22-00225/226/307/347A/348A/349A/582A/583A/618B :	
SOUTH LEIGH CREEK	TETON RIVER
Right No. 22-00308 :	
NORTH LEIGH CREEK	TETON RIVER
Right No. 22-00382B :	
LEIGH CREEK	TETON RIVER

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 45E 1	NENE 38	NWNE 38	SWNE 40	
	SENE 40	NENW 38	NWNW 38	
	SWNW 40	SENE 40	NESW 40	
	NWSW 40	SWSW 39	SESW 39	
	NESE 40	NWSE 40	SWSE 39	
	SESE 39			628
2	NENE 38	NWNE 38	SWNE 26	
	SENE 40			142
46E 5	NENW 20	NWNW 38	SWNW 40	
	SENE 40	NESW 10	SWNW 40	
	SWSW 40			228

MICROFILMED

JAN 22 1997

TRANSFER NO. 4751
 WATER RIGHT NO(S). 22-00225/22-00226/22-00307/22-00308
 22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
 22-00618B

6	NENE 38	NWNE 38	SWNE 40	
	SENE 40	NENW 38	NWNW 38	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 38	SESW 20	
	NESE 40	NWSE 40	SWSE 40	
	SESE 40			610
8	NWNW 5			5

Total number of acres irrigated: * 1613

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The point of diversion is located within NWNW, S05, T44N, R118W in Wyoming.
- * 9. Right Nos. 22-00225 and 22-00226 in combination shall not exceed irrigation of 80 acres in the place of use described above in a single irrigation season.
- * 10. Right Nos. 22-00307 and 22-00308 in combination shall not exceed irrigation of 160 acres in the place of use described above in a single irrigation season.
- * 11. Right Nos. 22-00347A, 22-00348A, 22-00349A, 22-00582A, 22-00583A in combination shall not exceed irrigation of 160 acres in the place of use described above in a single irrigation season.

MICROFILMED

JAN 22 1987

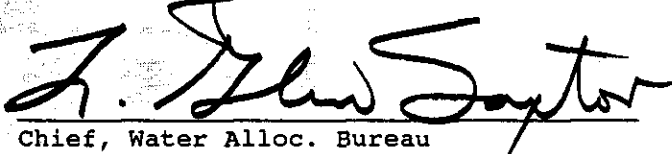
TRANSFER NO. 4751

WATER RIGHT NO(S). 22-00225/22-00226/22-00307/22-00308
22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
22-00618B

CONDITIONS OF APPROVAL AND REMARKS

- * 12. Right Nos. 22-00307 and 22-00308, in combination with Right Nos. 22-00347A, 22-00348A, 22-00349A, 22-00582A and 22-00583A shall not exceed irrigation of 240 acres in the place of use described above in a single irrigation season.
- * 13. Right No. 22-00382B shall not exceed irrigation of 312 acres in the place of use described above in a single irrigation season.
- * 14. Right No. 22-00618B shall not exceed irrigation of 40 acres in the place of use described above in a single irrigation season.
- * 15. Right Nos. 22-00225, 22-00226, 22-00307, 22-00308, 22-00347A, 22-00348A, 22-00349A, 22-00382B, 22-00582A, 22-00583A and 22-00618B when combined shall not exceed the total combined irrigation of 672 acres in the place of use described above; and when combined with groundwater Right Nos. 22-02267B, 22-07042, 22-07206, 22-07255B and 22-07261 are limited to the total combined irrigation of 1467 acres within the place of use described above in a single irrigation season.

Dated this 16th day of January, 1997


Chief, Water Alloc. Bureau

MICROFILMED
JAN 22 1997

Part A

original

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR THE COUNTY OF FREMONT.

Leigh Creek Canal Company, a corporation,
J. Carman Buxton, G. L. Wade, Sam Bell,
A. J. Pullmer, M. H. Bahr, Paul Hansen,
William Brown, Miller & Viele, a corpor-
ation, General American Life Insurance
Company, a corporation, Spencer Little,
State of Idaho, H. D. Pullmer, Charles
Pullmer, Joseph Rammell, Eph Taylor,
Prudential Insurance Company of America,
a corporation, Wanda Ricks, J. N. Peacock,
George L. Peacock, William Hansen, Alfred
Hansen, Daniel Hopkins, R. L. Thomas,
Erma Banks, Village of Briggs, a municipal
corporation, J. C. Evans, and Zions Securit-
ies Corporation, a corporation.

Plaintiffs,

Vs.

Lynn Chandall, Watermaster,
District 36 Idaho.

Defendant.

o o o o o o o o o o o

J U D G M E N T

This cause coming on to be heard and tried by the court this 24th
day of January, 1938, F. A. Miller of St. Anthony, Idaho, appearing
as counsel for the plaintiffs, and it appearing to the satisfaction
of the court that the defendant was served with a copy of the summons
and a copy of the complaint in this action, and that he failed to
appear and plead to said complaint, and that the default of the said
defendant has been entered, and, -

And it further appearing that an order was made on the 15th day
of December, 1937, directing the publication of a notice once a
week for not less than three weeks successively in the Teton Valley
News, a weekly newspaper published at Briggs, Teton County, Idaho,
containing the title of the court and cause, the names of the streams
in the waters of which the plaintiffs claim an interest, the dates of
priorities claimed by them, as is required, and the date and short
title of the decree of this court heretofore entered, fixing the per-
manent rights in and to the waters of Snake River and its tributaries;

MICROFILMED

MAY 15 1996

MICROFILMED

JAN 22 1997

South Leigh Creek with priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVI of the findings of fact.

22-0618 11. That the plaintiffs J. M. Peacock and George M. Peacock are awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVII of the findings of fact.

22-0619 12. That the plaintiffs William Hansen and Alfred Hansen are awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of South Leigh Creek with priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVIII of the findings of fact.

22-0620 13. That the plaintiff Daniel Hopkins is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of South Leigh Creek with priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIX of the findings of fact.

Trans.
#2/68

22-0621 14. That the plaintiff R. E. Thomas is awarded the right to the use of .8 of a cubic foot per second or 40 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and irrigation of the lands described in paragraph XX of the findings of fact.

22-0622 15. That the plaintiff Emma Hanks is awarded the right to the use of 4 cubic feet per second or 200 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XXI of the findings of fact.

22-0623 16. That the plaintiff J. C. Evans is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and the irrigation of the lands described in paragraph XXII of the findings of fact.

TR #3399

MICROFILMED
JAN 22 1997

MAY 15 1996

four or 40 miners inches of the waters of South Leigh Creek and on or before and ever since the 22nd day of January, 1916, has beneficially applied the same in each irrigating season since said date to the irrigation of the above described lands and which has been in addition to any other right fixed or decreed to the same.

XVII.

That the plaintiffs J. M. Peacock and George M. Peacock are the owners or have an estate in the following lands,--

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6 Twp. 5 N. R. 46 E. B. M., containing 80 acres, more or less.

and the plaintiffs, or their predecessors in interest, have diverted and conveyed by a common ditch with diversions works located in the south side of South Leigh Creek about 3/4 of a mile east of the Idaho-Wyoming boundary line, 1.6 cubic feet per second or 80 miners inches of the waters of South Leigh Creek and on or before and ever since the 22nd day of January, 1916, have beneficially applied the same each irrigating season since said date to the irrigation of the above described lands and which has been in addition to any other rights fixed or decreed to the same.

XVIII.

That the plaintiffs William Hansen and Alfred Hansen are the owners or have an estate in the following lands,--

S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35 Twp. 6 N. R. 45 E. B. M., containing 80 acres.

and the plaintiffs, or their predecessors in interest, have diverted and conveyed by a common ditch with diversion works located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 Twp. 6 N. R. 45 E. B. M., 1.6 cubic feet per second or 80 miners inches of the waters of south Leigh Creek and on or before and ever since the 22nd day of January, 1916, have beneficially applied the same in each irrigating season since said date in the irrigation of the above described lands, which has been in addition to any other rights fixed or decreed to the same.

XIX.

That the plaintiff Daniel Hopkins is the owner of or has an interest in the following described lands,--

MAY 15 1996

MICROFILMED
JAN 22 1997

22-0624 17. That the plaintiff H. D. Pullmer is awarded the right to the use of 6.4 cubic feet per second or 320 miners inches of the waters of South Leigh Creek with priority date of January 22, 1916, and with point of diversion and for the irrigation of the lands described in paragraph XXIII of the findings of fact.

22-0625 18. That the plaintiff Zions Securities Corporation, a corporation, is awarded the right to the use of 12.8 cubic feet per second or 640 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, and with point of diversion and for the irrigation of the lands described in paragraph XXIV of the findings of fact.

22-0626 19. That the plaintiff Village of Briggs, a municipal corporation is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of Teton Creek with date of priority of January 22, 1916, for domestic and other purposes.

IT IS FURTHER ORDERED that the rights awarded and decreed in that certain decree commonly known as Rexburg or "Snake River Decree" made and entered in this court December 16, 1910, both as to dates of priority and the amounts of the rights awarded are binding upon the plaintiffs and each of them in this action.

Done in open court this 24th day of January, 1938.

J. C. Taylor
District Judge

Filed for record Jan. 26, 1938
at 10:15 A.M.

L. Kimball, Recorder
By P. Johnson

RECORDED
INDEXED
MAY 15 1936

MICROFILMED
JAN 22 1957

Part B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 17, 1997

TETON WEST IRRIGATION COMPANY INC
C/O HOLDEN KIDWELL HAHN & ETC.
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER RIGHT NOS. 22-00225/22-00226/22-00307/22-00308
22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
AND 22-00618B

TRANSFER NO. 4751

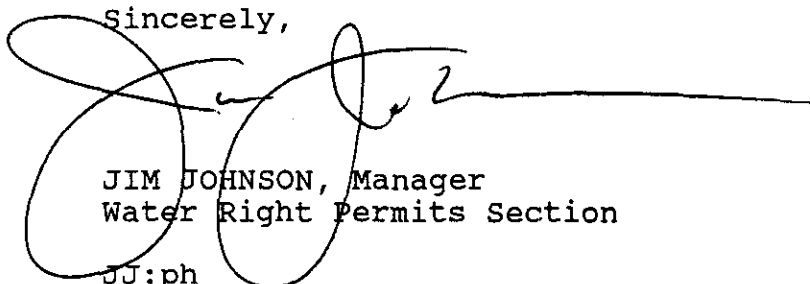
Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4751). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

MICROFILMED
JAN 22 1997

WRO749NP
No. 22-00618B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/17/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TETON WEST IRRIGATION COMPANY INC C/O HOLDEN KIDWELL HAHN & ETC PO BOX 50130 IDAHO FALLS ID 83405 (208) 523-0620	01/22/1916	IRRIGATION	04/15 10/15	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: SOUTH LEIGH CREEK

Tributary to: TETON RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05N	45E	1	:	38	38	40	40	:	38	38	40	40	:	40	40	39	39	:	40	40	39	39	:	40	40	39	39	:	628.0			
05N	45E	2	:	38	38	26	40	:					:					:					:					:	142.0			
05N	46E	5	:					:	20	38	40	40	:	10	40	40		:					:					:	228.0			
05N	46E	6	:	38	38	40	40	:	38	38	40	40	:	40	40	38	20	:	40	40	40	40	:	40	40	40	40	:	610.0			
05N	46E	8	:					:					:					:					:					:	5.0			
																												TOTAL ACRES	1613.0			

Pou County: TETON

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

The point of diversion is located within NWNW, S05, T44N, R118W in Wyoming.
Right No. 22-00618B shall not exceed irrigation of 40 acres in the place of use described above in a single irrigation season.
Right Nos. 22-00225, 22-00226, 22-00307, 22-00308, 22-00347A,

WR0749NP
No. 22-00618B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/17/97
PAGE: 2

Remarks: 22-00348A, 22-00349A, 22-00382B, 22-00582A, 22-00583A and
22-00618B when combined shall not exceed the total combined
irrigation of 672 acres in the place of use described above; and
when combined with groundwater Right Nos. 22-02267B, 22-07042,
22-07206, 22-07255B and 22-07261 are limited to the total
combined irrigation of 1467 acres within the place of use
described above in a single irrigation season.

Dates: App. Received: Priority Date: 01/22/1916
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee:

Part A

DATE: 01/17/97
PAGE: 1

Misc: Water District Number: 01 Field Exam Fee:

original

MEMORANDUM

TO: FILE NOS. 22-00225/226/307/308/
347A/348A/349A/382/582A/583A/ & 618

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4751

DATE: January 16, 1997

=====

Transfer No. 4751 was filed to change the point of diversion and place of use under all of Right Nos. 22-00225/226/307/308/347A/348A/349A/582A & 583A and a portion of Right Nos. 22-00382 & 618, splitting each right into parts A & B.

This is the second transfer filed by Teton West Irrigation Company Inc. identifying a permissible place of use that contains a maximum of 1467 acres irrigated by all rights under Transfer Nos. 4750 and 4751. Transfer No. 4750 addressed the groundwater rights, while this transfer intends to update the surface decreed rights to reflect the current use.

The point of diversion is actually located in Wyoming and the water delivered down the Hog Canal to a private ditch. Although some claims were made on these rights in the SRBA, I have been advised by Don Shaff that, at this time, the claims will be recommended disallowed and not included in the adjudication because the point of diversion is outside the state.

These rights are considered high-water rights and available only early in the season during wet years and seldom continue for more than two to four weeks according to the applicant's attorney. The information about the historical use of these rights is sketchy and incomplete. The transfer approval is therefor based on the maximum acres authorized under these rights as decreed and proposed transferred.

The water is delivered through a ditch ending near a well allowing water to pond slightly at this low spot. The applicant's attorney stated that "pond" was stretching the definition, and that any surface water reaching this point appears to sink and apparently supplement the groundwater flows of the well nearby.

Season of use was adjusted to current department standards and combined limits determined from the decreed rights. Recommended conditions include watermaster control, measuring device & controlling works, irrigation overlap, right-of-way, permissible place of use, combined rights and standard transfer conditions.

MICROFILMED

JAN 22 1997

MEMORANDUM

TO: FILE 22-00618

FROM: PAM SKAGGS

RE: TRANSFER # 4751

DATE: 1/19/96

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within File # 22-00225.

MICROFILMED
JAN 22 1997