

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-04187✓
Date Received: 10/24/1988
Receipt No: 4003462
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUIS SKAAR AND SONS, INC. 208-754-4534
Address: 421 N 3200 E
ROBERTS, ID 83444

2. Date of Priority: ~~APR 01, 1961~~ May 1, 1962 DE E/24/91 SC

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	37E	11	NW	SW			JEFFERSON

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.760		

7. Total Quantity Appropriated is:
1.760 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	37E	11	NE	SW		IRR	27.0
			NW	SW		IRR	40.0
			SW	SW		IRR	18.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	37E	11	SE	SW		IRR	4.0
Section Acres							89.0
Total Acres							89.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

For Organizations:

I do solemnly swear or affirm that I am 1st VP of _____ Title

Louis Skoov & Sons Inc. that I have signed the foregoing Organization

document in the space below as 1st VP of _____ Title

Louis Skoov & Sons Inc. and that the statements contained in the Organization

foregoing document are true and correct.

Kent Skoov
Signature of Authorized Agent

1st VP Louis Skoov & Sons Inc.
Title and Organization

10-24-88
Date

State of Idaho)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of October 19 88

Betty J. Thompson
Notary Public

Seal

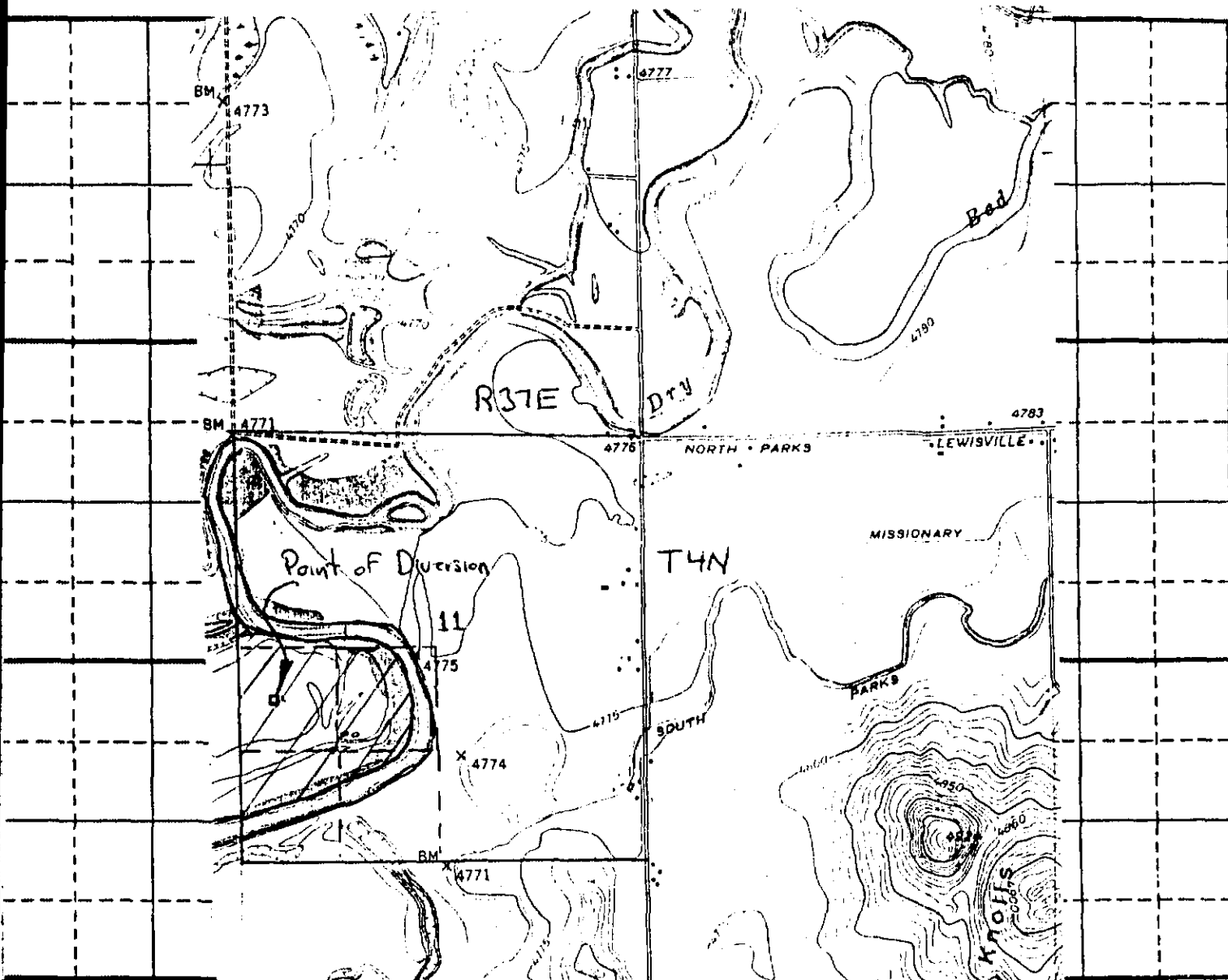
Residing at Idaho Falls

My Commission Expires 6-94

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(B) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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State of Idaho)
) ss.
 County of Jefferson)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

CLAIM # A25-4187

John A. Shoen

Log for claim 25-04187

Spatial Dynamics CAT

12/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04n37e	11	NESW	27	28	
04n37e	11	NWSW	40	41	
04n37e	11	SESW	4	1.8	
04n37e	11	SWSW	18	14	
Totals:			89	84.8	

AJ5809NP
No. A25-04187

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 69

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOUIS SKAAR AND SONS INC 421 N 3200 E ROBERTS ID 83444 (208) 754-4534	05/01/1962	IRRIGATION	04-01 11-01	1.760 CFS	
TOTAL DIVERSION:					1.760 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R37E S11 NWSW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
-----																						-----	
04N 37E 11 :												27 40 18 04 :								89.0			
																				TOTAL ACRES		89.0	

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00142A A01-00143A A01-00144A A01-00145C A01-00240 A01-02068C

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 10/24/88 MCC 05/24/91 COX 03/29/95 POST-STD

BLAIR GROVER
CHARTERED
LAW OFFICE
P. O. BOX 36
RIGBY, IDAHO 83442-0036
(208) 745-6653

RECEIVED

AUG 2 1991

Department of Water Resources
Eastern District Office

August 1, 1991

85-04187

ATTN: Ernest Carlsen
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: Louis Skaar & Sons, Inc./Evidence of Priority

Dear Mr. Carlsen:

By letter dated May 16, 1991, the undersigned forwarded to you an Affidavit in Support of Water Claim of Louis Skaar & Sons, Inc. Since that time, the Skaars have found evidence that a permit was actually issued, No. G-31004. I am enclosing a copy of a letter dated March 21, 1963 from the State Reclamation Engineer, a receipt dated March 1, 1963, and an Application for Permit dated March 1, 1963. Would you please put those with the Affidavit and consider them as additional evidence of the Skaar well water right.

Yours very truly,



BLAIR GROVER

BG:jn
Enclosure
cc: Louis Skaar

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[illegible]

Account by HWS **FOR DEPARTMENT USE ONLY**
 Received by CW Date 4-27-83 - Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by LCW Date 4-29-83 claimant by: _____
 \$30.00 fee received by CW Date 4-29-83
 Published in Right Star # 2816
 Date 5/10/83 to 5/19/83
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ROBERT E. SMITH
Governor

RECEIVED



GEO. N. CARTER
State Reclamation Engineer

AUG 2 1991

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE

March 21, 1963

Re: Permit No. G-31004

Mr. Louis Skaar,
R. R. #1,
Roberts, Idaho.

Dear Mr. Skaar:

We enclose Permit No. G-31004 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. G-7751 which was issued covering payment in the amount of \$ 5.25 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rule
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl. --



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STATE OF IDAHO

Department of Reclamation

NO. G- 7751

Boise, Idaho, *March*, 196*3*

RECEIVED
FROM

Louis Skars of *Robert D. Skars* \$ *5*
int. and 4 25 DOLLARS

FOR

Well Driller's License Fee	- \$	
Application for Permit No.	- \$	<i>5.25</i>
Proofs	- \$	
Certified Copy	- \$	
Re-ordering Assignment	- \$	
TOTAL	- \$	<i>5.25</i>

G. W. Carter
STATE RECLAMATION ENGINEER

By *Edmund P. Kull*

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Address all communications to:

RECEIVED
MAR 1 1960
11:00 A.M.
Department of Reclamation

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 39085

Permit No. G 31004

Water District No. _____

1. Name of applicant: Louis Skaar
Post office address: RR #1 Roberts County Jefferson State Idaho
2. Quantity of water claimed: 1.76 cfs.
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11
Twp. 4 N, Rge. 37 E, B.M., County of Jefferson
5. Water is to be used for: Irrigation
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____
Twp. _____, Rge. _____, B.M.
 - (b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M.
7. Kind of Works: 15 HP Electric Motor and Pump - 8" discharge pipe
8. Estimated cost of works: \$ 3,000.00
9. (a) Is reservoir to be used? _____
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is
5 years.
11. If applicant is a corporation, give:
 - (a) Date and place of incorporation: _____
 - (b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____
 - (d) Names and addresses of directors: _____

DO NOT FILM

(Continued)

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

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources:

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

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) _____ (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

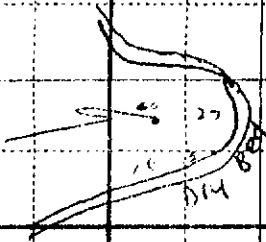
(b) 1.76 (cubic feet per second, inches or gallons per minute) is for new lands.

R 37 E

T

4

N

DD
well

9-31000
MADE 8 1963
LOUIS SKAAR
MADE 8 1963

DO NOT WRITE

Approval of State Reclamation Engineer

The number of this permit is G 31204
Recorded in Book 109 Page 31004 Approved MAR 8 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before September 8, 1965
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 8, 1968

Witness my hand this 8th day of March, 1963

Carl P. Tappan
Asst. State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLTIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th day of March, 1963

Countersigned:

By Arnold Williams
Secretary of State

By Robert E. Smyltie
Governor

No. G 31204

PERMIT

Date of first receipt at office of State Reclamation Engineer

11:00 A.M. March 1, 1963

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

DO NOT FILE

RECEIVED

MAY 23 1991

Department of Water Resources
Eastern District Office

BLAIR GROVER
CHARTERED
LAW OFFICE
P. O. BOX 36
RIGBY, IDAHO 83442-0036
(208) 745-6653

May 16, 1991

ATTN: Ernest Carlsen
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

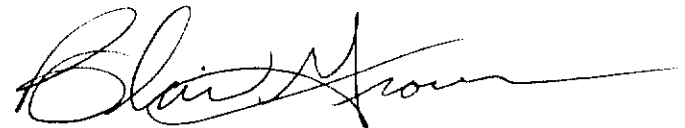
Re: Louis Skaar & Sons, Inc./Evidence of Priority

Dear Mr. Carlsen:

Enclosed on behalf of Louis Skaar & Sons., Inc., is an affidavit to support a ground water claim in the adjudication.

If there are any questions, please call.

Yours very truly,



BLAIR GROVER

BG:jn
Enclosure
cc: Louis Skaar

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AFFIDAVIT IN SUPPORT OF WATER CLAIM OF LOUIS SKAAR & SONS, INC.

RECEIVED

MAY 23 1991

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
) ss
County of Jefferson)

LOUIS SKAAR, being first duly sworn deposes and states:

1. He is and has been since its incorporation, the president and a director of Louis Skaar & Sons, Inc., an Idaho corporation.

2. This affidavit is made in support of the water right described on Exhibit A attached hereto and by this reference made a part hereof as though fully set forth herein.

3. The priority date on Exhibit A of April 1, 1961, is a mistake. It should be May 1, 1962. In April and May of 1962, the well was dug with a drag line to a depth of approximately 21 feet. A 47 inch casing, with slots for the water to enter, was stood upright in the hole and back filled. Irrigation was commenced immediately, and from that day to the present the land described on Exhibit A has been irrigated from that well.

4. The property described on Exhibit A was irrigated from the well commencing with the 1962 irrigation season and every year since.

5. Among other things, affiant had to obtain electricity to provide power for the pump. Attached hereto marked Exhibit B and by this reference made a part hereof as though fully set forth herein, is the Electric Service Agreement executed by the undersigned, and Utah Power & Light Company for power to the pump dated May 22, 1962.

6. Affiant took photographs during construction of the well, and they were developed a month or two following construction. They are 35 mm slides encased in a small cardboard border. The border contains both the number of the slide and the date it was developed. The date on the slides is June, 1962. Attached hereto marked Exhibit C and by this reference made a part hereof as though fully set forth herein, is one of those slides representative of five such similar slides.

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7. Affiant was present when the well was constructed and states of his personal knowledge the facts set forth herein are true and accurate.

DATED this 22nd day of May, 1991.

Louis Skaar

LOUIS SKAAR

STATE OF IDAHO)
) ss
County of Jefferson)

On this 22nd day of May, 1991 before me, the undersigned, a Notary Public in and for said State, personally appeared LOUIS SKAAR, known by me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(seal)

Connie Jones

Notary Public for Idaho

Residing at: *Bozeman*

Commission Expires: *12-18-94*

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A25-04187	LOUIS SKAAR AND SONS, INC. 421 N 3200 E ROBERTS ID 83444	04/01/1961	IRRIGATION	04-01 11-01	1.76 CFS	STATUTORY CLAIM

1.76 CFS TOTAL
0.00 AFA TOTAL

SOURCE: GROUNDWATER
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

TRIBUTARY:

REMARKS:

POINT OF DIVERSION:
T04N R37E S11

NWSW

PLACE OF USE: IRRIGATION
T04N R37E S11
89.0 ACRES TOTAL

NESW 27.0

NWSW 40.0

SWSW 18.0

SESW 4.0

EXHIBIT

A

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FORM 4072-1-62 20

Duplicate
ELECTRIC SERVICE AGREEMENT

For Commercial or Industrial Service Requiring an Extension

No. 111

The undersigned, called Customer, agree to use, and UTAH POWER & LIGHT COMPANY, called Company, agree to supply electric service to the amount of 10 Kilowatts at approximately 240 volts, three phase for the pump house at Jensen, Utah IDAHO

(Note type of work to be done. See over.)
under Company's Schedule No. 10 Tariff No. 5 for a period of 10 years.

An extension as defined in Schedule No. 10 is necessary to meet Customer's requirements.
(a) In consideration of the special lines made by the Company to supply service hereunder, Customer guarantees not to make any annual payments for service under the provisions of said Schedule No. 10

in the sum of \$ 822.03 payable each year for five years, beginning with commencement of service or sixty days after the extension is completed, whichever occurs first, without regard to the amount of electric energy actually consumed.

(b) The Company acknowledges receipt from the Customer of \$ 677.30 which sum has been advanced and will be credited in accordance with said Schedule No. 10

Customer agrees to conform to and abide by the Schedules hereinabove designated including the provisions of Company's Electric Service Regulations, making all payments thereby required, including all minimum charges. Said Schedules and Electric Service Regulations are hereby made a part hereof.

Dated May 22, 1962

Witnessed by [Signature]
UTAH POWER & LIGHT COMPANY

[Signature]
W. T. WOOLLEY Division Manager

Customer

EXHIBIT

B

Name Louis Skaar
 Address Louisville, Idaho
 DBA Star Route
 Type of Business Irrigation Pumping
 Mailing Address Robert Rd
 Work Required _____
 Taxable _____ Exempt _____
 OAK 320
 Order No. _____
 Service Deposit Date 6/18/62
 Special Paragraphs of Credit Information

Dist. _____
 ER or SA No. 15-2227
 Cmp'l _____ Ind'l X
 Sch. No. 10 Term. 10 yrs
 KW 10 Volts 240
 Demand Meter
 Yes X No _____
 Meter No. _____
 Location _____
 Reading _____
 Amt. _____

Customer

NOV 10 1962
 NOV 10 1962

4187

May 6, 1991

LOUIS SKAAR AND SONS INC
421 N 3200 W
ROBERTS ID 83444

RE: **Evidence of Priority**

Dear Mr. Skaar:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 10 1992

Louis Skaar and Sons, Inc

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04187
LOUIS SKAAR AND SONS, INC.
421 N 3200 E

ROBERTS

IN 83444

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