

8 August 2005

RECEIVED
AUG 11 2005
Department of Water Resources

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

To Whom It May Concern:

I am applying to reinstate our water rights based on the fact that our land had been part of a farm owned and operated by the Larsen family since 1956. The Larsen's farmed the land until we purchased one parcel of the land in 1980 when the land was subdivided and sold. We intended to build a home on the land and grow crops to feed our live stock. This was delayed when we were transferred by our employer, Intermountain Health Care, to Utah. My wife is from Pocatello and I grew up in Idaho Falls.

Enclosed is a copy of our neighbors, Carl Hull's, water rights (Item #1). His water right number is 29-13229. He applied and received his rights three years ago.

Also enclosed is a copy of a request from the Weed Supervisor of Bannock County that indicates that we must take care of the property and the weed problems. The property is adjacent to Interstate 15 on the south end of Pocatello. We want to be able to get rid of the weeds and beautify the land while growing crops. This will also help protect the area from fires during the dry season.

Thank you for your consideration of this request. It is our intention to make the land look as it did when the Hansen farm was there with plush green crops. This will help protect the freeway from fire hazards, eliminate the weeds we are requested to dispose of and make the drive into Pocatello much more presentable and beautiful.

Sincerely Yours


Van M Jaeger

RECEIVED

AUG 11 2005

Department of Water Resources

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

In Re SRBA

Subcase 29-13717
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Van M Jaeger

My address is 1941 N. 400 E. Chm 217 84097

My phone number is: Work 801-762-0060 Home 801-225-4382

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Transferred out of State by my employer, Intermountain
Health Care. The property has been leased to neighbors
who grazed their horses during the rainy springs.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

① A copy of my neighbor's rights are attached. He lives on
the same property formerly a farm owned by Larsons.
This was farm property dating back to 1956.

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 105⁰⁰.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

Note:

- ② Attached is a copy of a notice from the weed supervisor for Bennecke County. We must do something to keep the land free of weeds. The property is adjacent to I 15 and for beautification purposes and fire protection we will use the land for agriculture purposes

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

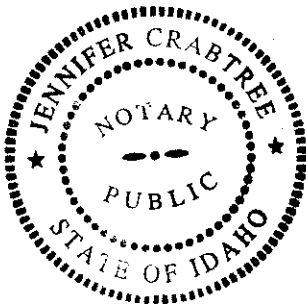
Van M. Jaeger, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Van M. Jaeger
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 29, 2005
(Insert Date)



Jennifer Crabtree
Notary Public for Idaho
Residing at: Idaho Falls
My Commission expires: 9/23/09

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 29, ²⁰⁰⁵~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.
(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 29-13717

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 11 2005

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Van M. Jaeger Phone (801) 762-0068
Mailing Address 1941 N. 400 E. Orem, UT Zip 84097

2. Date of Priority (Only one (1) per claim) 7-13-1956

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7S Range 35E Section 23,
_____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Bonneville

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well, pump & sprinkler system

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 108 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 108 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>35E</u>	<u>23</u>								<u>504</u>									<u>504</u>

Total number of acres irrigated 504

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: See W.R. 29-13229

Last Name Jaeger Ident No. 29-13717

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree ~~29-13229~~

If applicable provide IDWR Water Right Number 29-13229

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Ken Mylerson Date 7/29/05

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

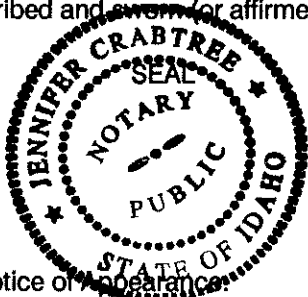
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29 day of July 2005



Notary Public Jennifer Crabtree

Residing at Idaho Falls, Idaho

My Commission Expires 9/23/09

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

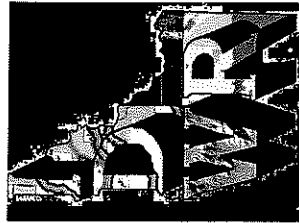
Address _____

Date _____

Last Name Jaeger Ident. Number 29-13717

Copies White-State, Yellow-Claimant

Idaho Department of Water Resources

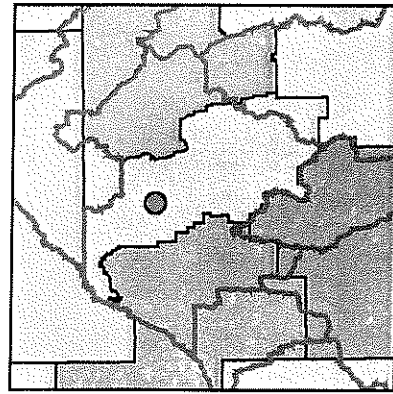


T07S R35E

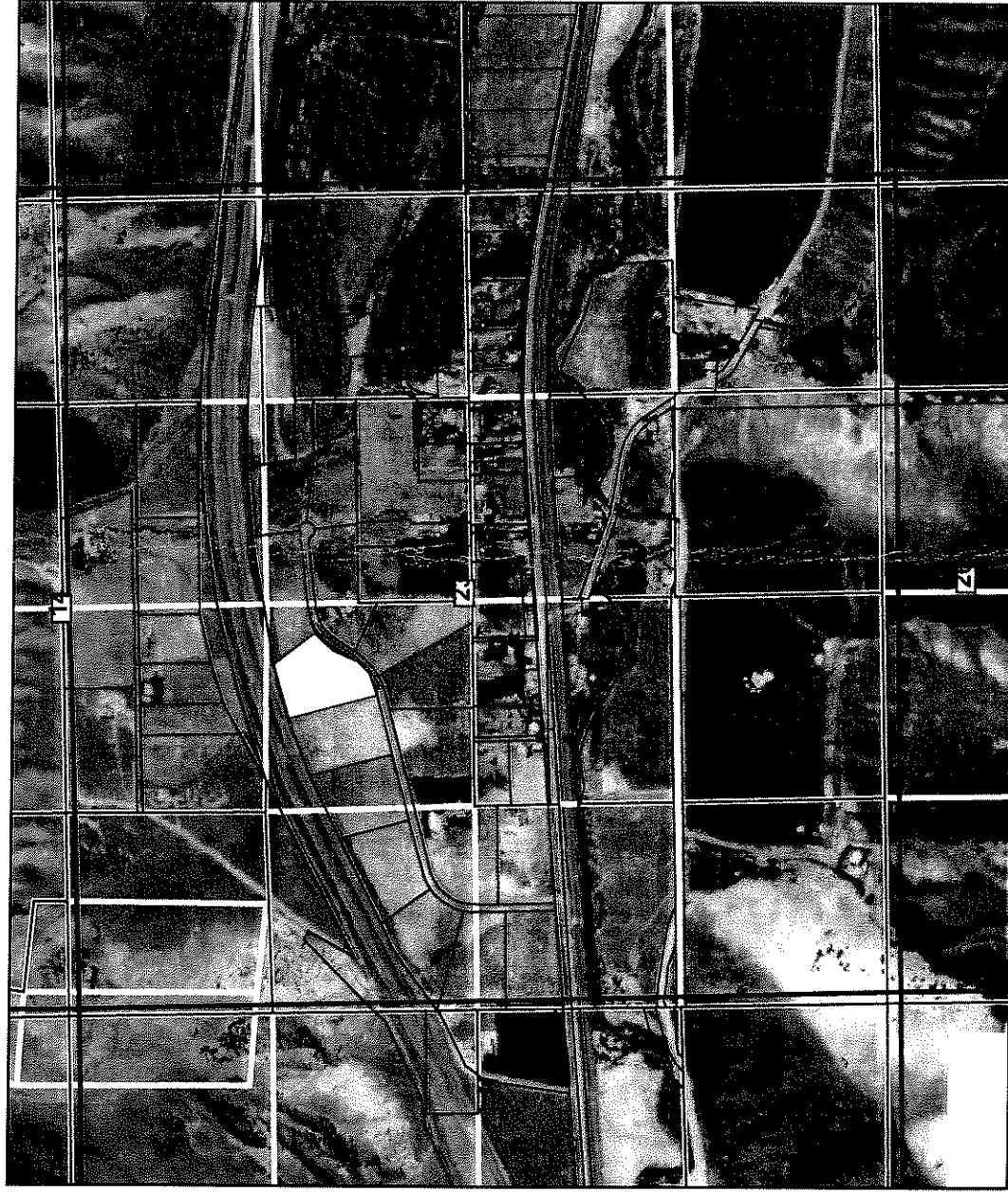
Adjudication Claim Number: -

Legend

-  Theme40.shp
-  Bannock.shp
-  PLSS Section LinesSections.shp
-  T07s35e.shp



BANNOCK County
IDWR Basin



0 0.5 1 Miles

Prepared by J. Crabtree
On Friday, July 29, 2005
1987/88 Aerial Photography



David Hallinan
Weed Supervisor Bannock County
5500 S 5th
Pocatello, Idaho 83204

March 25, 2005

Land Owner:

As winter slowly turns into spring and the country side begins to turn green, many plants will begin to grow. With the growth of our native and desirable plants, will be the invasion of many unwanted and destructive *Noxious Weeds*. Spring is a good time to watch for many of these plants. There are a total of thirty-six weeds on the *Noxious Weed* list. All of these thirty-six weeds are destructive to our native plant life.

In order to help protect Idaho's beautiful scenery and natural vegetation, lawmakers enacted Idaho code Title 22 for the control of *Noxious Weeds*. Pursuant to Idaho Code Title 22-2407, "It shall be the duty and responsibility of all landowners to control noxious weeds on their land and property..."

As the Bannock County Weed Supervisor, I am here to help in any way possible. I have already placed a general notice of the thirty-six noxious weeds of Idaho, and have listed the seventeen weeds known to be in Bannock County, in the Idaho State Journal. I have pamphlets and books available that have pictures and descriptions of the thirty-six *Noxious Weeds*. I have been working up many strategies to eradicate *Noxious Weeds*.

It has come to my attention that at least one of the thirty-six *Noxious Weeds* resides on your property. It is important to control them early. The sooner that control is begun, the less time it will take to eradicate them.. If you are having great success in your eradication efforts, then congratulations, keep up the good work! If you are not seeing the results that you would like to, give me a call. We can set up a time and discuss some ways that might improve your weed control efforts. Because *Noxious Weeds* spread quickly, delay in treatment could mean a much larger infestation to control later.

If you have any questions, feel free to contact the Bannock County Weed Supervisor David Hallinan at 234-4139 or 251-0049. It is a state law that all noxious weeds be eradicated and county weed supervisors are required to enforce the weed law.

Sincerely,

David Hallinan
Bannock County Noxious Weed Control

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13229 V1

WATER RIGHT NUMBER: 29-13229 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL G HULL 5647 W SKI VIEW DR POCATELLO, ID 83204 (208)775-4773
Current Owner	KIM D HULL 5647 W SKI VIEW DR POCATELLO, ID 83204 (208)775-4773

Priority Date: 07/13/1956

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	18.80 AF
	<u>Total Diversion:</u>	0.100 CFS	18.80 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 23								4.7									4.7

Total Acres: 4.7

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E51 USE OF THIS RIGHT WITH RIGHT NO. 29-00494D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.14 CFS.

Remarks:

RECEIVED
AUG 11 2005
Department of Water Resources

VAN M. JAEGER 09-86		97-7776/3243	1232
LARAIN E. JAEGER		Date 7/29/05 <i>Amelia</i>	
PH. (801) 225-4382		National Park	
1941 NORTH 400 EAST			
OREM UT 84097			
<i>Pay to the order of</i>	<i>IDWR</i>	<i>\$ 105⁰⁰</i>	
<i>One Hundred Five ⁰⁰/₁₀₀</i>		<i>Dallas</i>	
ALPINE CREDIT UNION			
1610 NORTH STATE			
OREM, UTAH 84057			
PH. (801) 225-0256			
<i>Water rights</i>		<i>Van M. Jaeger</i>	
⑆32437765⑆		00177552⑈ 1232	

Mailed check to clerk of the District Court
Twin Falls