

04/13/2006

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

RIGHT NUMBER: 22-13479

NAME AND ADDRESS: K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

SOURCE: MOODY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.100 CFS

Right Nos. 22-265E, 22-4195, and 22-13479 are limited to a total combined diversion rate of 11.85 cfs.

PRIORITY DATE: 05/01/1980

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R41E S21 NESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.100 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R41E S16	SESW	31.00	T05N R41E S20	NENE	40.00
T05N R41E S20	NWNE	40.00	T05N R41E S20	SWNE	40.00
T05N R41E S20	SENE	40.00	T05N R41E S20	SWNW	40.00
T05N R41E S20	SENE	40.00	T05N R41E S20	NESW	40.00
T05N R41E S20	NWSW	36.00	T05N R41E S20	NESE	40.00
T05N R41E S20	NWSE	40.00	T05N R41E S21	NENW	23.00
T05N R41E S21	NWNW	39.00	T05N R41E S21	SWNW	36.00
T05N R41E S21	SENE	2.70	T05N R41E S21	NWSW	20.00

547.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 547.7 acres in a single irrigation season. Combined Right Nos.: 22-265E, 22-4195, and 22-13479.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-0265E pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 155 acres within the place of use described for this right.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 22-13479
Date Received: 2/21/2006
Receipt No: E031661
Received By: kmj

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

K MERLE JEPPESEN Phone: (208)356-3638
434 MORGAN DR
REXBURG ID USA 83440

2. Date of Priority: 05/01/1980

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	21	SE NW	MADISON	

5. Description of diverting works:

TWO PUMPS AND AN ORIGINAL MAINLINE OUT OF MOODY CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	41E	20	SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	155
					Total Acres	155

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

This right is based upon an enlargement of Right No. 22-04195 and 22-0265E pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 22-13479
Date Received 2-21-06
Receipt Number E031661

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 13 2006

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) K. Merle Jeppesen Phone (208) 356-3638
Mailing Address 434 Morgan Dr. Rexburg Idaho Zip 83440

2. Date of Priority (Only one (1) per claim) May 1, 1980

3. Source of water supply (a) Moody Creek
which is tributary to (b) Teton River

4. a. Location of existing point of diversion is: Township 05N Range 41E Section 21,
SE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Madison

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.

Two pumps and an original mainline out of Moody Creek.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (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	
05N	41E	20							35	40	40	40							155

Total number of acres irrigated 155

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

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 ()

14. Remarks:

This is an enlargement claim of water right No. 22-04195 and No. 22-0265E

Last Name _____ Ident No. _____

Scale: 2 inches equals 1 mile

Range 41 E

A 20x20 grid of graph paper. The grid is divided into four 10x10 quadrants by a vertical line between columns 10 and 11, and a horizontal line between rows 10 and 11. Handwritten content includes: In the top-left quadrant, the number '35' is written in the 5th row, 5th column, and '40' is written in the 5th row, 6th column. In the top-right quadrant, the text 'POD' is written in the 5th row, 10th column, and '21' is written in the 5th row, 11th column. In the bottom-left quadrant, the number '40' is written in the 15th row, 5th column, and '40' is written in the 15th row, 6th column. The rest of the grid is empty.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
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) K. M. Jensen Date 12-30-05

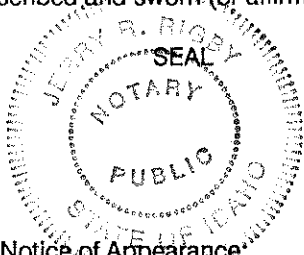
Date _____

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 MADISON) SS.

Subscribed and sworn (or affirmed) before me this 30th day of DECEMBER 2005
Notary Public Jerry R. Rigby
Residing at REXBURG
My Commission Expires 11-09-11



Please Print Name

17. Notice of Appearance.
Notice is hereby given that I, Jerry R. Rigby 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 Jerry R. Rigby
Address PO Box 250, REXBURG, ID 83440
Date 12-30-05

Last Name _____ Ident. Number _____