

(REGIONAL)

Stage: BENEFICIAL USE

BINGHAM County
BINGHAM County

**TOTAL ACRES**

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1934, 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.

USE OF THIS RIGHT WITH RIGHT NO. 35-02602 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1240 AF.

IRRIGATION SEASON.

PURSUANT TO SECTION 42-1426, IDAHO CODE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 17 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

AJ0749NP
No. R35-13061

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/19/98
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection filed Date:
--------	-----------------	----------------	-----------------------

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag: E

Comments:

Date: 05/14/1998 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
PRIORITY DATE OF EXPANSION IS BASED UPON THE DAY AFTER THE
BENEFICIAL USE EXAMINATION WAS DONE ON LICENSE 35-02602. APPEARS
THAT THE EXAMINER HAD INADEQUATE MAPS TO CORRECTLY DESCRIBE THE
IRRIGATED ACRES ALONG THE NORTH BOUNDARY OF THE PLACE OF USE THAT
IS NEXT TO A LAVA FLOW BOUNDARY. THE ADDITIONAL 15 ACRES HAVE
ALWAYS BEEN IRRIGATED BY THIS SYSTEM.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 35-02602 PURSUANT TO
IDAHO CODE 42-1616(2).

USE OF THIS RIGHT WITH RIGHT NO. 35-02602 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.00 CFS.

*****NOTATION*****

EXPANSION CLAIM WAS PREPARED AND SENT TO CLAIMANT ON 18 OCT 93
WHEN CLAIM WAS NOT RETURNED THREE ATTEMPTS WERE MADE IN DEC 93 TO
CONTACT CLAIMANT BY TELEPHONE. THERE WAS NO ANSWER. I'VE
DECIDED TO GENERATE THE "R" RECORD FOR THIS NUMBER, GIVE IT A "Z"
STATUS AND REMARK P16. 5 JULY 94 EMC

KENNETH CARLSON WAS SENT AN ENLARGEMENT LETTER PURSUANT TO
42-1626. THIS ORIGINAL (EXPANSION) CLAIM WAS REINSTATED.
HOWEVER, THE OWNERSHIP HAS CHANGED. KENNETH HAS DEEDED OWNERSHIP
TO HIS CHILDREN; TO BE KNOWN AS THE CARLSON FIVE. 03/16/98,ABR.

Audit: 05/19/98 ARUBERRY



STATE OF IDAHO
Department of Water Resources
Eastern Region

**Claimant: Carlson Five,
A Partnership**



POU Id # - 424, 425, 426
POD Id # - 106, 107

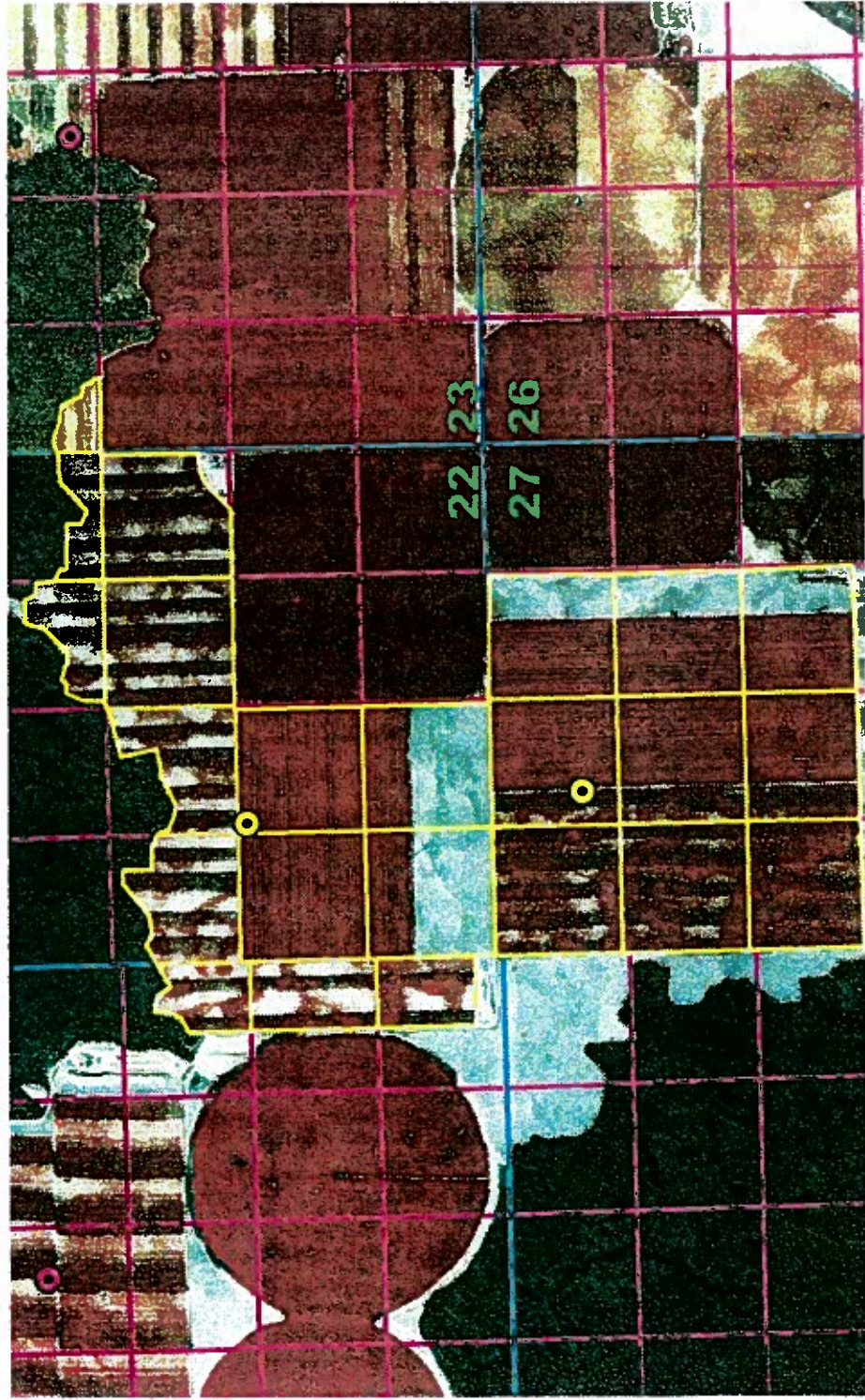
Water Right(s):
35-02796, 35-02602, 35-13061

Legal Description: T1N, R36E
PARTS OF SECTIONS
21, 22, 23, and 27

Point(s) of Diversion:
T1N, R36E,
Sec. 22 NWNESE
Sec. 27 SWNWNW

LEGEND

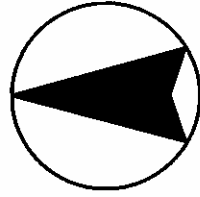
-  **Point of Diversion**
-  **Place of Use**
-  **Section Line**
-  **Quarter-section line**





STATE OF IDAHO
Department of Water Resources
Eastern Region

Claimant: Carlson Five



POU Id # - 426

POD Id # - 106, 107

Water Right(s):

35-02602, 35-13061

Legal Description:

parts of T1N, R36E

Sec. 22 NE, S2NW, SW

Sec. 23 NWNW

Point(s) of Diversion:

T1N, R36E,

Sec. 22 NWNWE

Sec. 27 SWNWNW

LEGEND



Point of Diversion



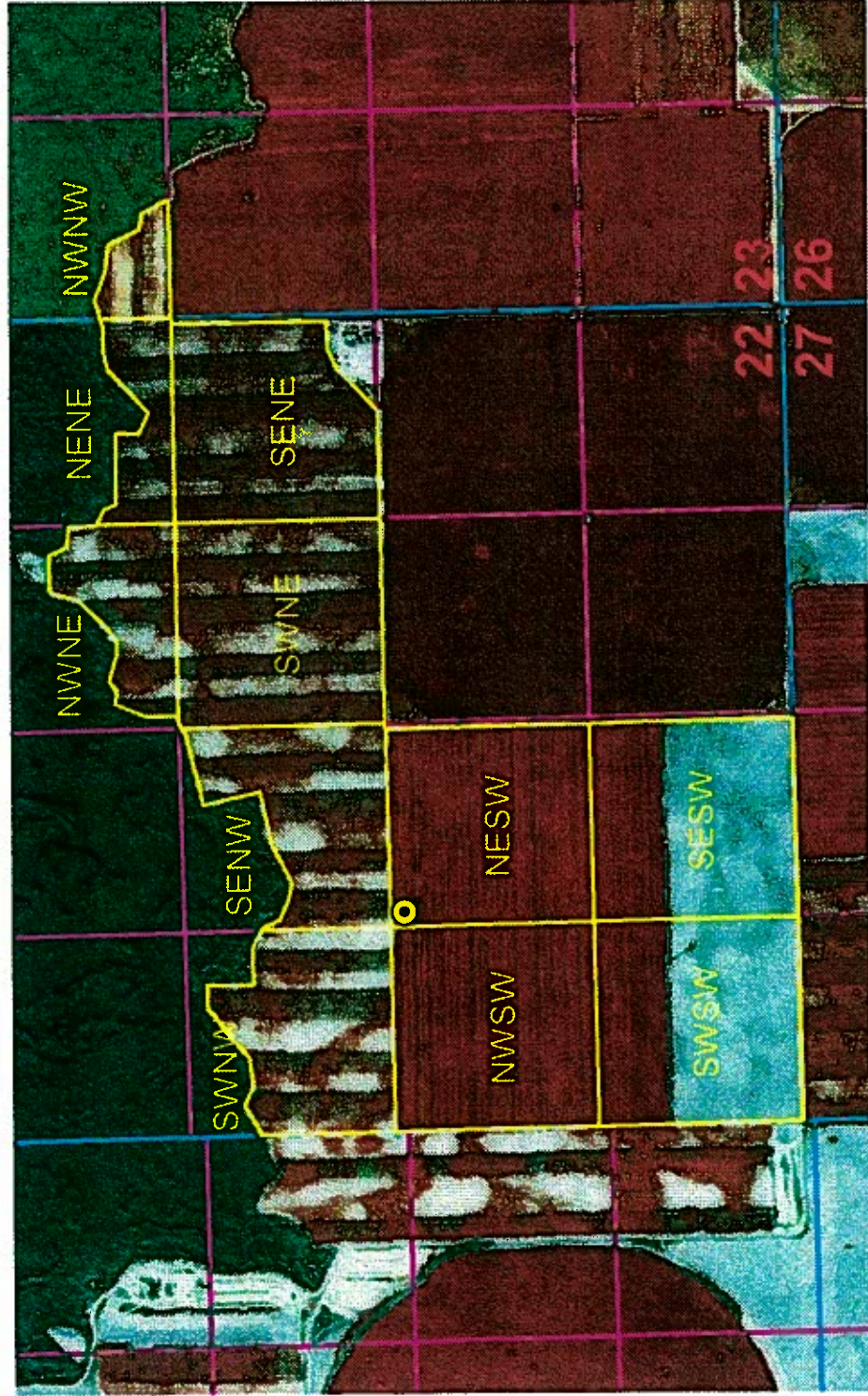
Place of Use



Section Line



Quarter-section line



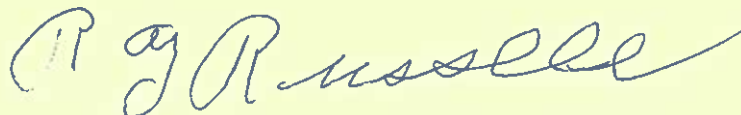
700 0 700 1400 2100 2800 3500 4200 4900 5600 6300 7000 Feet

May 12, 1998

To: State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

During the summer of 1963, Kent Carlson and myself worked for Garth Harker on the Kenneth Carlson farm west of Shelley. It was watered by sprinkler pipe and we watered all the ground in the field that bordered the lava rocks to the north.

Yours truly

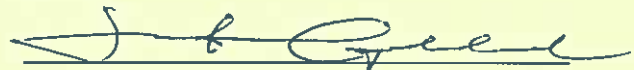


Roy Russell
356 S Byron
Shelley, ID

State of Idaho)
) SS.
County of Bingham

Subscribed and sworn (or affirmed) before me this 13 day

of May 1998


Notary Public

Residing at Donner Pass, ID

My Commission Expires 1-25-02

May 12, 1998

To: State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

During the summer of 1963, Roy Russell and myself worked for Garth Harker on the Kenneth Carlson farm west of Shelley. It was watered by sprinkler pipe and we watered all the ground in the field that bordered the lava rocks to the north. These are the fields that are in question with the Department of Water Resources according to the maps shown me by Allen Ruberry the Sr. Water Resource Agent on Enlargement Claim A35-13061.

Yours truly

Kent E Carlson
220 S. Hansen
Shelley, Id 83274

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this 13 day

of May 1998

[Signature]
Notary Public



Residing at Idaho Falls, ID.

My Commission Expires 1-25-02

5 May 1998

Kenneth Carlson
ATTN Kent Carlson
225 Fieldstream Lane
Idaho Falls ID 83404

RE: Enlargement Claim A35-13061 and Notice of
Change of Water Right Ownership

Dear Mr. Carlson:

On or about March 16, 1998, when you visited my office, we discussed the need for, and subsequently filed the enlargement claim referenced above.

Claim A35-13061 was filed for an additional 18 acres as an enlargement of License 35-02602. Before this claim can be recommended to the court for partial decree, filing fees in the amount of ~~\$68.00~~ (\$50.00 filing fee and \$18.00 as \$1.00/ac.) must be paid. Also, proof of priority must be submitted to verify the priority date 06/27/64.

86700 17AC 1102 5/14/98
In addition, during our meeting, you requested and received a Notice of Change of Water Right Ownership form so this and other claims made by your family could be changed to the name of "Carlson Five". To date, I have not received that notice of change. It is important to you that these matters be settled prior to IDWR submitting the claims to the court.

For the enlargement claim to be favorably recommended to the court, the above referenced problems must be settled. The deadline for the court recommendation of this right is May 18, 1998. Failure to satisfy the above issues will result in the claim being DISALLOWED. THIS LETTER IS YOUR FINAL REMINDER.

If you have further questions regarding the above-referenced claim, please contact me at the above telephone number or make an appointment to visit.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications bureau

CC: File(s)

27 February 1998

Kenneth Carlson
225 Fieldstream Lane
Idaho Falls ID 83404

Re: IRRIGATED LAND NOT COVERED BY WATER RIGHT 35-02602

Dear Mr. Carlson:

During a recent review of the Notice of Claim to a Water Right referenced above, the irrigated acreage identified exceeds the acreage covered by the water right. Pursuant to Idaho Code Section 42-1426, the additional acreage may qualify for an "enlargement claim" thus allowing continued irrigation of this land. For your reference, I have enclosed a computer simulated illustration of the land covered by the water right and the land apparently being irrigated.

To file an enlargement claim you will need to furnish evidence showing when the additional land was placed under irrigation. The enclosed pamphlet entitled "Evidence of Priority" provides some guidelines for fulfilling this requirement.

Notices of Claim for the area in question are currently being reviewed by the Department prior to submitting them to the court. Hence, the need for expediency on your part. Please call this office to schedule an appointment to meet with me if you wish to discuss this matter or obtain assistance in filing an enlargement claim. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosures: Proof of Priority pamphlet
Profile Report of 35-02602
Computer simulated illustration

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: A35-13061
Date Received: 5/14/98
Receipt No: EP 24/21
Received By: APC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLSON FIVE A PARTNERSHIP 208-357-3622
Address: PO BOX 50682
IDAHO FALLS ID 83405

2. Date of Priority: JUN 1, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	36E	22	NW	NE	SE		BINGHAM
		27	SW	NE	NW		BINGHAM

5. Description of diverting works:
WELL AND PUMP, MAINLINE INTO SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.274		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	36E	22	SW	NW		IRR	10.0
			SE	NW		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
					Total Acres	17.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
35-02602, 35-02796

14. Remarks:

PRIORITY DATE OF EXPANSION IS BASED UPON THE DAY AFTER THE BENEFICIAL USE EXAMINATION WAS DONE ON LICENSE 35-02602. APPEARS THAT THE EXAMINER HAD INADEQUATE MAPS TO CORRECTLY DESCRIBE THE IRRIGATED ACRES ALONG THE NORTH BOUNDARY OF THE PLACE OF USE THAT IS NEXT TO A LAVA FLOW BOUNDARY. THE ADDITIONAL 15 ACRES HAVE ALWAYS BEEN IRRIGATED BY THIS SYSTEM.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 35-02602 PURSUANT TO IDAHO CODE 42-1416(2).

USE OF THIS RIGHT WITH RIGHT NO. 35-02602 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.00 CFS.

*****NOTATION*****

EXPANSION CLAIM WAS PREPARED AND SENT TO CLAIMANT ON 18 OCT 93 WHEN CLAIM WAS NOT RETURNED THREE ATTEMPTS WERE MADE IN DEC 93 TO CONTACT CLAIMANT BY TELEPHONE. THERE WAS NO ANSWER. I'VE DECIDED TO GENERATE THE "R" RECORD FOR THIS NUMBER, GIVE IT A "Z" STATUS AND REMARK P16. 5 JULY 94 EMC

KENNETH CARLSON WAS SENT AN ENLARGEMENT LETTER PURSUANT TO 42-1426. THIS ORIGINAL (EXPANSION) CLAIM WAS REINSTATED. HOWEVER, THE OWNERSHIP HAS CHANGED. KENNETH HAS DEEDED OWNERSHIP TO HIS CHILDREN; TO BE KNOWN AS THE CARLSON FIVE. 03/16/98, ABR.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am partner of
 A Title

Title

Carlson Five, that I have signed the foregoing.

Organization

document in the space below as general partner of

Title

Carlson Five and that the statements contained in the
Organization

Organization

foregoing document are true and correct.

Kent E Carlson
Signature of Authorized Agent

general partner Carlson Five
Title and Organization

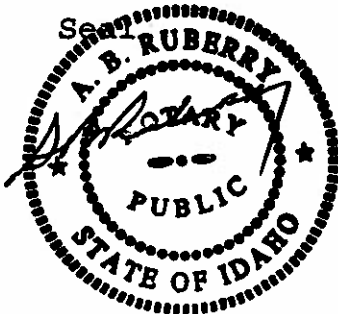
May 14, 1998
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of May 19 98

Allen B Rubenay
Notary Public



Residing at 2040 Paul, 2040

My Commission Expires 09/23/03

PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T01N R35E 26 NWSWNE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T01N R35E 23 NESE SWSE SESE
26 NENE NWNE SWNE SENE
NENW SENW NESE NWSE

This right is for an enlargement of 6 acres within the total 144 acres recommended.

Water Right: 35-13061
NAME & ADDRESS: CARLSON FIVE A PARTNERSHIP
PO BOX 50682
IDAHO FALLS ID 83405
SOURCE: GROUNDWATER
PRIORITY DATE: 06/01/1963
POINT OF DIVERSION: T01N R36E 22 NWNESE
27 SWNENW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T01N R36E 22 SWNW SENW
This right is for an enlargement of 17 acres.

Water Right: 35-13069
NAME & ADDRESS: LEON D DANCE
599 MC ADOO
BLACKFOOT ID 83221
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1980
POINT OF DIVERSION: T01N R34E 23 NWNWSW
27 NENESE

NAME & ADDRESS: BOYCE BENSON
PO BOX 164
MORELAND ID 83256

SOURCE: GROUNDWATER

PRIORITY DATE: 08/15/1961

POINT OF DIVERSION: T02S R34E 21 SENENE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T02S R34E 21 SENE

This right is for an enlargement of 7 acres.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-1718 on or before January 23, 1999.

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1998

THE MORNING NEWS
ATTN: SIDNEY SMITH
PO BOX 70
BLACKFOOT ID 83221

Dear Ms. Smith:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We request the publication dates be September 17, 1998 and September 24, 1998. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

Enclosure

**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	)	Water Rights: SEE ATTACHED LIST
	)	
Case No. 39576	)	NOTICE OF ADMINISTRATIVE PROCEEDING
	)	
_____	)	

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

**[X] OTHER: ADVERTISING ENLARGEMENT CLAIMS PURSUANT TO IDAHO
CODE 42-1426 TO PROVIDE AN OPPORTUNITY FOR NON-CLAIMANTS
TO ASSERT INJURY**

IDWR projects the Administrative Proceeding shall be completed no later than:
JANUARY 8, 1999

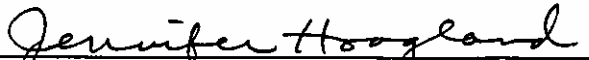
DATED: 21 Oct 98

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-23, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
SEE ATTACHED LIST
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

35-12915 & 35-07575
AG AMERICA FCB
PO BOX 50030

IDAHO FALLS ID 83405-0030

35-12391 & 35-07030 & 35-07304
BRENT CALL
JUNE CALL
PO BOX 77
MENAN ID 83434

35-13061 & 35-02602
CARLSON FIVE A PARTNERSHIP
PO BOX 50682
IDAHO FALLS ID 83405

35-10248 & 35-02899
ALLAN M COOK
2681 W 17TH S
IDAHO FALLS ID 83402

35-13069 & 35-07065 & 35-07064
LEON D DANCE
599 MC ADOO
BLACKFOOT ID 83221

35-13203 & 35-02852
THEODORE L DEFFINGER
3515 SIERRA RD
SAN JOSE CA 95132

35-12933 & 35-02653
THAYNE GNEITING
190 N 400 W
BLACKFOOT ID 83221

35-10054 & 35-02586B & 35-0736
J WARD JOHN
MARY V JOHN
246 HARTERT DR
IDAHO FALLS ID 83404

35-13011 & 35-02704
IRVIN G LONDON
MELBA J LONDON
6276 N 26TH W
IDAHO FALLS ID 83402

35-13064 & 35-02500A & 35-02661C
RICHARD B REED
3843 N 105TH WEST
IDAHO FALLS ID 83402

35-10189 & 35-07338
DEAN SNARR & SONS
C/O DENNIS SNARR
201 N 2600 E
ROBERTS ID 83444

35-13211 & 35-02787
TOPHILL FARMS INC
PO BOX 99
LEWISVILLE ID 83431

35-12915 & 35-07575
CHARLES B WELLS
MARIE WELLS
PO BOX 263
ROBERTS ID 83444

35-11572 & 35-02454
WINDING BROOK CORPORATION
C/O RANDY MOORE
PO BOX 53
NAMPA ID 83653

35-12935 & 35-02617
WINDING BROOK CORPORATION
C/O RODNEY MOORE
PO BOX 53
NAMPA ID 83653

35-11573 & 35-02282
WINDING BROOK CORPORATION
C/O RANDY MOORE
PO BOX 53
NAMPA ID 83653



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 1998

RE: Notice of Administrative Proceeding (NAP) for
Enlargement Claim

Dear Claimant:

The Snake River Basin Adjudication (SRBA) Court will soon complete the issuing of partial decrees for the area in which your enlargement claim is located. The Idaho Department of Water Resources (IDWR) is required to advertise these claims and is required to notify the SRBA.

Therefore, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the enlargement claims advertising.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

