

07/24/2006

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

RIGHT NUMBER: 1-244

NAME AND ADDRESS: LABELLE IRRIGATING CO
C/O DEE SIMMONS
467 N 4400 E
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 26.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R39E S13 NESESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

26.000 CFS

PLACE OF USE:

2012 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Labelle Irrigating Company.

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

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 - Decreed

Water is delivered through East Labelle Canal.



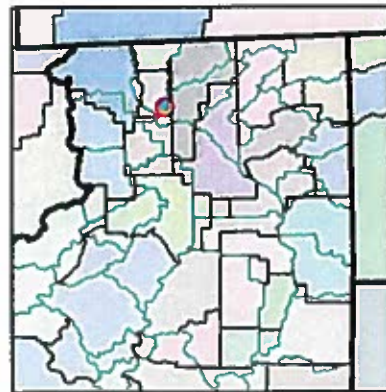
Labelle Irrigating Co

SRBA Recommendations: 1-93E, 1-94G, 1-244, 1-315

Service Area Boundary
GIS Place of Use Illustration

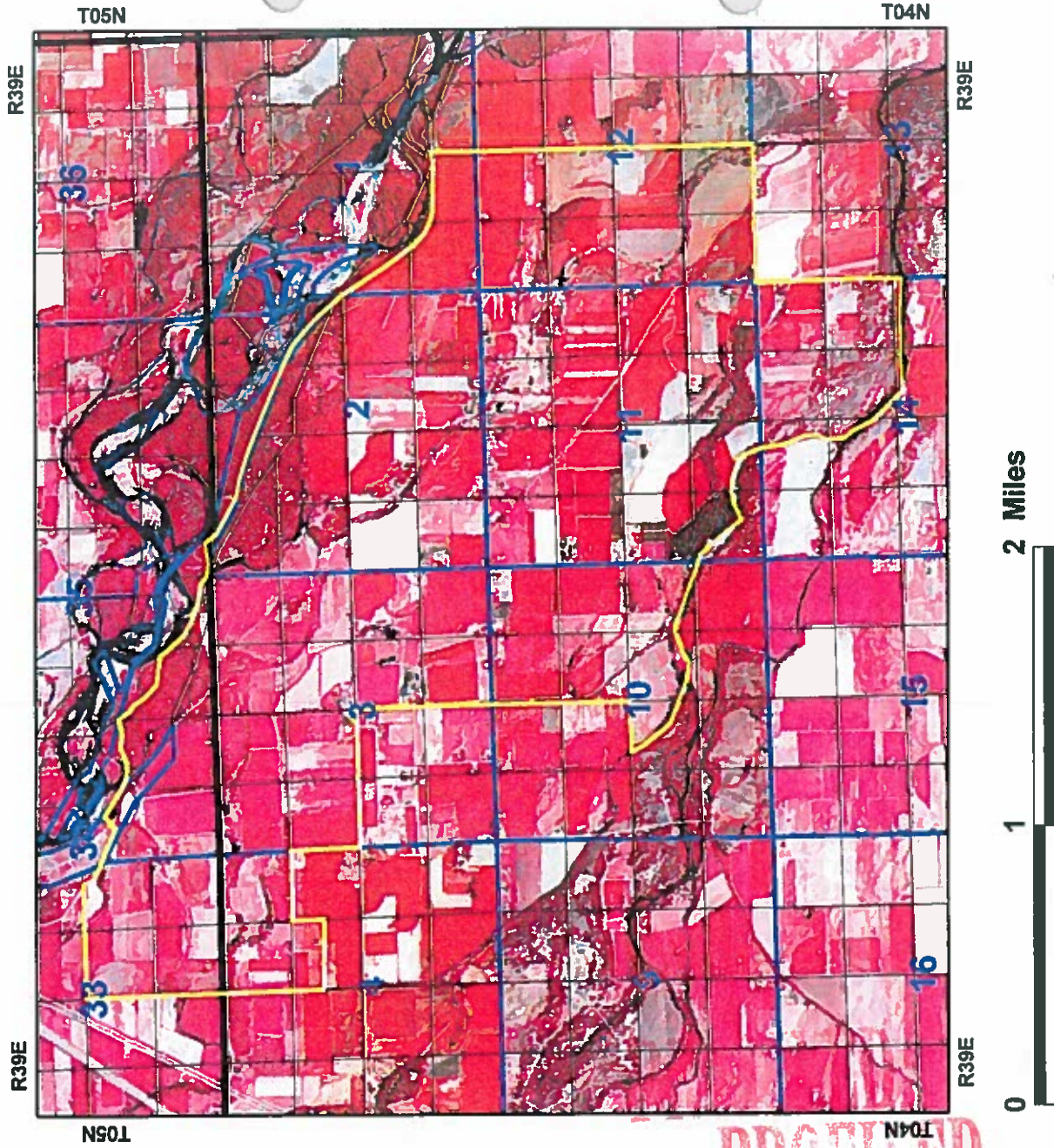
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1

Prepared by C. Moore
On Monday, November 20, 2006
1987/88 Aerial Photography



11/21/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 30, 2006

Water right number: 1-244

LABELLE IRRIGATING CO
C/O DEE SIMMONS
467 N 4400 E
RIGBY ID 83442
Telephone Number: (208)745-7435

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/30/06 SIGNATURE: Kerry Lundquist
Please print your name: Kerry Lundquist

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
DEC 12 2006

RECEIVED
DEC 11 2006
IDWR/North

SCANNED

AUG 22 2001

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: A01-00244
Date Received: 12-5-1988
Receipt No: 6004791
Received By: S.M.

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LABELLE IRRIGATING COMPANY 208-745-6210
Address: C/O GARY H. RHODES
528 N 4250 E
RIGBY, ID 83442

2. Date of Priority: JAN 22, 1916

3. Source: DRY BED SNAKE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	39E	13	NE	SE	SE		JEFFERSON

5. Description of diverting works:
HEADGATE ON RIVER TO CANAL - SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	26.000		
STOCKWATER	04/01	11/01	0.430		

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

8. Total consumptive use is 7132.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 1900 CATTLE/10 HORSES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	1	NE	SW	4	IRR	25.0

A01-00244

Page 1

Date: 12/05/88

MICROFILMED
OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	1	SW		SW		IRR	40.0
			SE		SW		IRR	35.0
Section Acres								100.0
		2	SW		NE	11	IRR	50.0
			SE		NE	1	IRR	12.0
			NE		NW	10	IRR	20.0
			NW		NW	4	IRR	37.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								519.0
		3	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								480.0
		4	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	18.0
			SE		NE		IRR	5.0
Section Acres								103.0
		10	NE		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	10	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	15.0
			NE		SE		IRR	35.0
			NW		SE		IRR	35.0

Section Acres 245.0

11	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	20.0
	SE	SW	IRR	35.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 615.0

12	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	39.0
	SE	SW	IRR	40.0

Section Acres 319.0

14	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	35.0
	SE	NE	IRR	40.0
	NE	NW	IRR	15.0
	SE	NW	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	14	NE	SE		IRR	10.0
			NW	SE		IRR	3.0
Section Acres							188.0
05N	39E	33	NE	SE		IRR	35.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							155.0
		34	NW	SW		IRR	17.0
			SW	SW	1	IRR	56.0
			SE	SW	2	IRR	28.0
			SW	SE	3	IRR	17.0
			SE	SE		IRR	11.0
Section Acres							129.0
Total Acres							2853.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A01-00093E/11787/00094G/00244/00315

14. Remarks:
HEADGATE - 2 - 5 FT WIDE X 6 FT HIGH METAL SLIDE GATES WHICH ARE
RAISED & LOWERED BY THREADED SHAFT & WHEEL. CONSTRUCTED IN 1961
TO REPLACE OLD SET OF GATES.
PLACE OF USE: T. 4N, R.39E SEC 2 SW NE INCLUDES GOVT LOTS 2 & 11
" " " NE NW " " " 3 & 10
PLACE OF USE IS OWNED BY THE STOCKHOLDERS OF LABELLE IRRIGATING
COMPANY.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO
Decree Plaintiff

TETON IRRIGATION CANAL CO.
Decree Defendant

A01-00244

Page

4

Date: 12/05/88

MICROFILMED
OCT 19 1992

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 Secretary of LaBelle Irrigating Co., that I have signed the foregoing document in the space below as Secretary of LaBelle Irrigating Co. and that the statements contained in the foregoing document are true and correct.

Madeline J. Rhodes
Signature of Authorized Agent
Sec. LaBelle Irrigating
Title and Organization
Dec 5, 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of December 19 88

Calvin Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

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 A01-00244

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A0100244



Please type or print clearly

1. Name of Claimant (s) LaBELLE IRRIGATING COMPANY Phone (208) 745-62Mailing Address 528 N 4250 E LaBelle, Rigby, ID Zip 834422. Date of Priority (Only one (1) per claim) January 22, 19163. Source of water supply (a) Great Feeder
which is tributary to (b) South Fork of the Snake River4. a. Location of existing point of diversion is: Township 4N Range 39E Section 13,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Jefferson

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. The diversion work consists of a rock rip rap in the Great Feeder Canal with cement headgates constructed with two- five foot wide and six feet deep metal slide gates that are raised and lowered by a threaded shaft and wheel. These headgates were constructed in 1961 replacing similar headgates that had rotted and rusted out.

MICROFILMED
OCT 19 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from May 1 to Dec 1 amount 26.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 26.00 (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.) Stock water - 1900 cattle and 10 horses

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	

Total number of acres irrigated 2853

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

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

01-00093E; 01-00946; 01-0315; Stock 25-4178 or None ()
Palisade Storage Ground water + surface water runoff - see attachment No. 1
Drainage -

14. Remarks:

We president of LaBelle Irrigating Co., whose stockholders
pioneer ancestors diverted water from the South Fork
of the Snake River for irrigation of this desert
valley and for watering their stock, I have authority
to claim this water right.

MICROFILMED

Last Name LaBelle Irrigating Ident No. _____

OCT 19 1992

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 01-00244
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 to this claim - 3 -

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title
of LaBelle Irrigating Company that I have signed the foregoing
Organization
document in the space below as President of LaBelle Irrigating Co.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Larry H. Rhodes
Title and Organization Pres, LaBelle Irrigating Co. Date Nov. 29, 1988

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

Subscribed and sworn (or affirmed) before me this 30th day of Nov 19 88

SEAL

Notary Public Dallen Wray

Residing at Idaho Falls

My Commission Expires 5/29/1991

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 _____

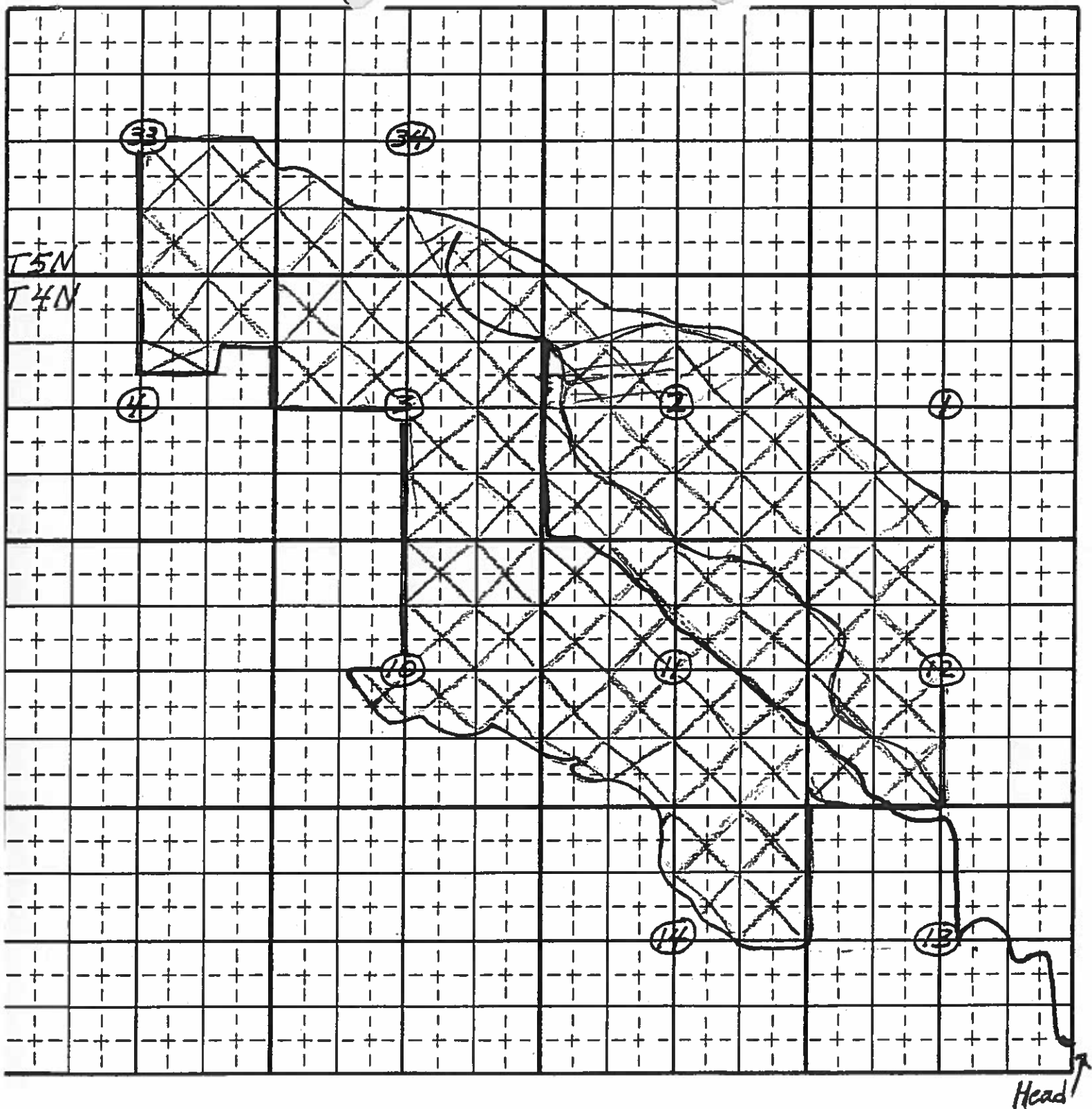
Last Name LaBelle Irrigating dent. Number _____

MICROFILMED

OCT 19 1992

Copies White-State, Yellow-Claimant

T4N T5N 39E Sec 1, 2, 3, 4, 33, 34, 10, 11, 12, 14.



Last Name LaBelle Irrigating Co. Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

OCT 19 1992

Attachment No. 3

Attachment No. 2
of 2

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
4N	39E	13	HEAD OF CANAL (Point of Diversion)																
4N	39E	14	40	40	35	40	15	-	-	5	-	-	-	-	10	3	-	-	188
4N	39E	12	-	-	-	-	40	40	40	40	40	40	39	40	-	-	-	-	319
4N	39E	11	40	40	40	40	40	40	40	40	40	40	20	35	40	40	40	40	615
4N	39E	10	40	40	40	40	-	-	-	-	15	-	-	-	35	35	-	-	245
4N	39E	1	-	-	10 ⁺ 3	10 ⁺ 1	10 ⁺ 10	10 ⁺ 4	-	-	10 ⁺ 4	-	40	35	-	-	-	-	100
4N	39E	2	-	-	10 ⁺ 4	12	20	37	40	40	40	40	40	40	40	40	40	40	519
4N	39E	3	40	40	40	40	40	40	40	40	-	-	-	-	40	40	40	40	480
4N	39E	4	40	40	18	5	-	-	-	-	-	-	-	-	-	-	-	-	103
5N	39E	33	-	-	-	-	-	-	-	-	-	-	-	-	35	40	40	40	155
5N	39E	34	-	-	-	-	-	-	-	-	-	48	10 ⁺ 1	10 ⁺ 2	-	-	10 ⁺ 3	10 ⁺ 4	129
												17	56	28	-	-	17	11	

Total number of acres irrigated 2853

MICROFILMED

OCT 19 1992