

07/24/2006

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

RIGHT NUMBER: 1-315

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: 30.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:
T04N R39E S13 NESESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	30.000 CFS

PLACE OF USE:

2012 ACRES TOTAL

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

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.

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.



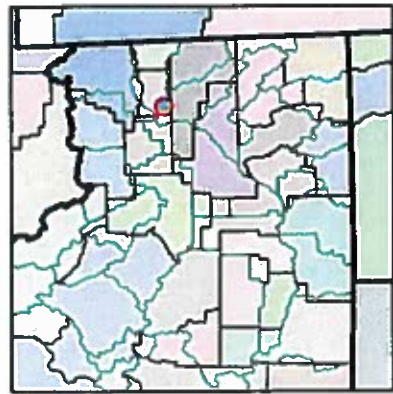
Labelle Irrigating Co

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



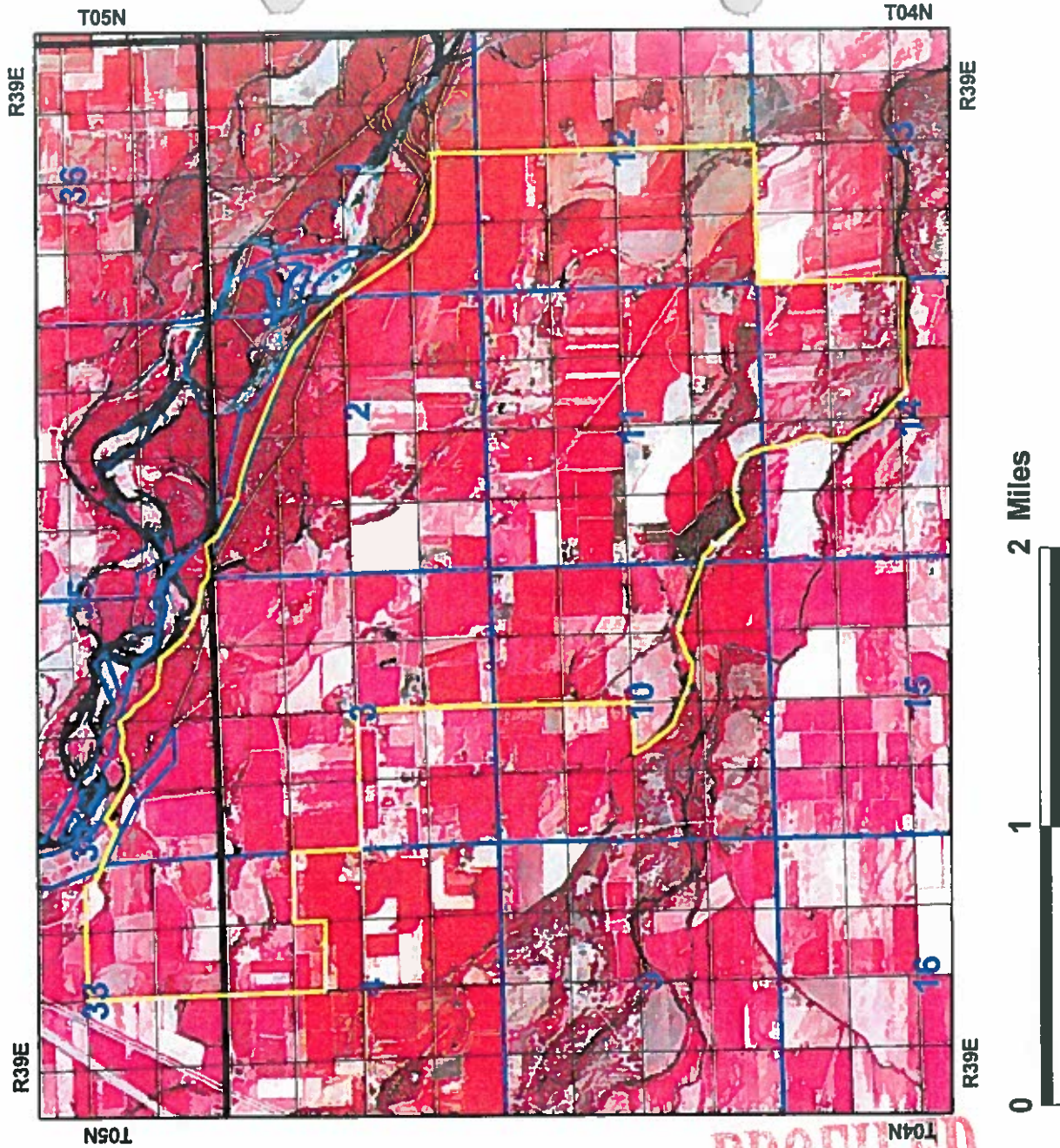
Jefferson, Madison Counties
IDWR Basin 1



SCANNED

MAY 09 2007

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: 1-315

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:

SCANNED

MAY 03 2007

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

DATE: 30 Nov 2006 SIGNATURE: Kerry Lundquist

Please print your name: Kerry Lundquist

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

PROFILED

SCANNED
DEC 12 2006

RECEIVED
DEC 11 2006
IDWR/North

MAY 03 2007

DD FORM 100-100

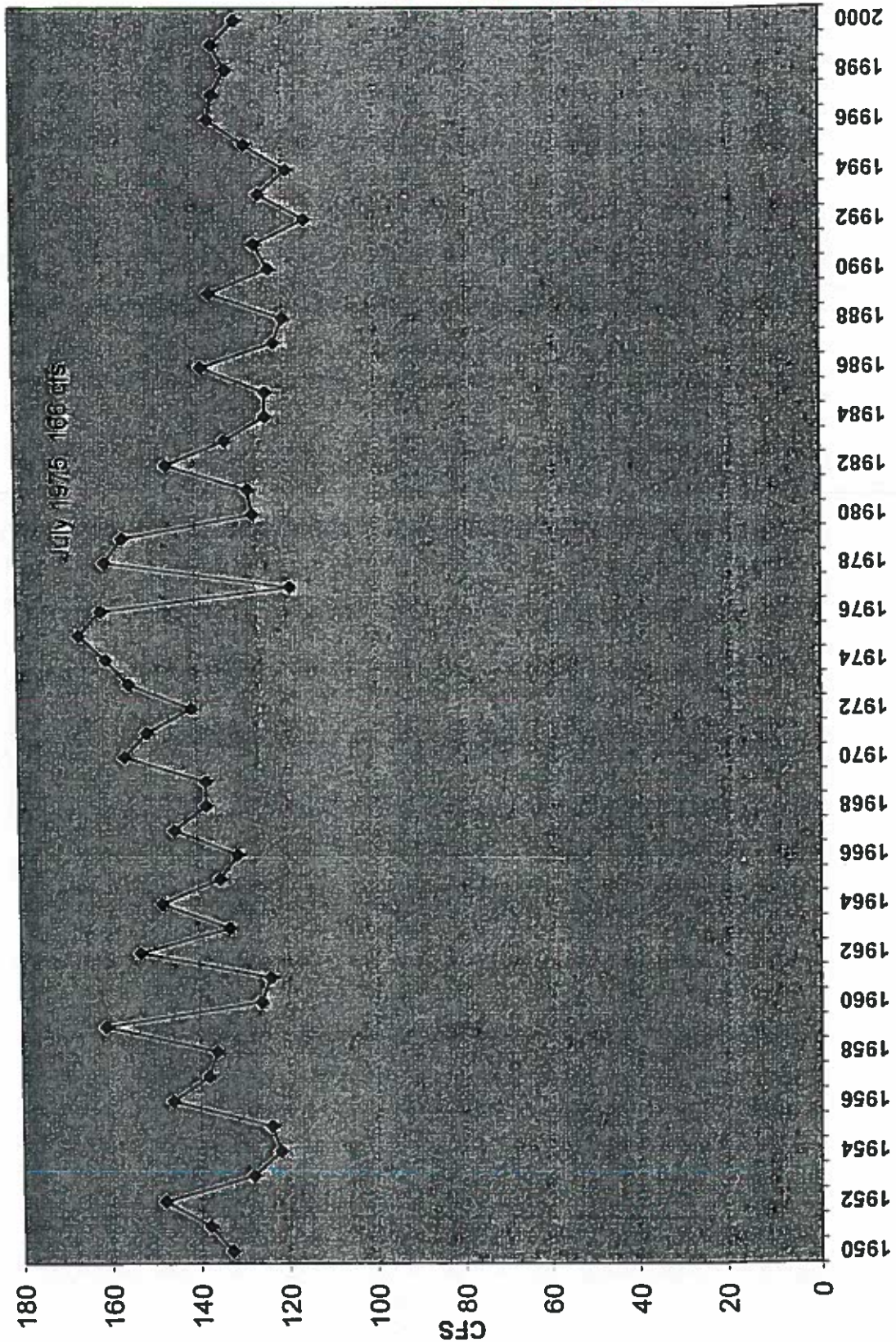
[illegible]

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MAY 03 2007

MAXIMUM MONTHLY DIVERSION 1950-2000
13038150 EAST LABELLE CANAL



13038150 HISTORIC DIVERSION EAST LABELLE CANAL (1998-16-11)

(CFS)

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	68	0	0	0	0	0	0	22	59	106	133	124	611
1951	68	0	0	0	0	0	0	22	63	138	128	93	608
1952	68	0	0	0	0	0	0	22	107	148	127	104	697
1953	68	0	0	0	0	0	0	22	88	128	127	109	662
1954	68	0	0	0	0	0	0	22	86	114	122	108	640
1955	68	0	0	0	0	0	0	22	55	116	124	99	598
1956	68	0	0	0	0	0	0	22	99	146	128	114	686
1957	68	0	0	0	0	0	0	22	33	118	122	109	610
1958	68	0	0	0	0	0	0	22	83	120	112	87	629
1959	68	0	0	0	0	0	0	22	119	161	119	96	700
1960	68	0	0	0	0	0	0	22	99	126	125	106	665
1961	42	24	3	0	0	0	0	5	89	119	124	66	584
1962	42	24	3	0	0	0	0	5	109	153	133	96	682
1963	42	24	3	0	0	0	0	5	24	121	133	92	561
1964	42	24	3	0	0	0	0	5	47	131	148	92	608
1965	42	24	3	0	0	0	0	5	67	134	135	79	598
1966	41	24	3	0	0	0	0	5	102	131	124	97	644
1967	41	24	3	0	0	0	0	5	49	145	145	103	624
1968	41	24	3	0	0	0	0	5	99	138	130	89	599
1969	41	24	3	0	0	0	0	5	128	138	125	97	677
1970	41	24	3	0	0	0	0	5	67	156	135	82	632
1971	44	12	7	0	0	0	0	0	93	151	145	77	639
1972	36	35	7	0	0	0	0	10	140	141	133	118	737
1973	63	42	0	0	0	0	0	0	99	155	124	94	691
1974	59	35	7	0	0	0	0	0	107	160	141	114	745
1975	50	35	7	0	0	0	0	0	26	148	166	130	656
1976	62	34	0	0	0	0	0	0	67	161	137	96	671
1977	67	12	0	0	0	0	0	15	111	119	119	118	679
1978	54	5	0	0	0	0	0	2	44	160	128	62	551
1979	73	22	0	0	0	0	0	0	101	156	127	86	666
1980	54	5	0	0	0	0	0	3	75	108	127	101	566
1981	49	29	0	0	0	0	0	0	59	103	128	111	583
1982	52	37	0	0	0	0	0	0	73	146	117	114	623
1983	37	18	0	0	0	0	0	0	54	133	119	102	569
1984	41	32	0	0	0	0	0	0	52	118	124	88	538
1985	60	17	0	0	0	0	0	0	80	124	119	109	579
1986	31	27	0	0	0	0	0	0	42	138	107	106	535
1987	68	25	0	0	0	0	0	17	112	111	119	122	690
1988	68	3	0	0	0	0	0	10	96	119	120	101	630
1989	65	0	0	0	0	0	0	5	96	136	122	114	652
1990	67	27	0	0	0	0	0	0	112	123	117	98	622
1991	37	0	0	0	0	0	0	3	33	126	124	117	534
1992	83	12	0	0	0	0	0	32	115	109	114	109	662
1993	65	0	0	0	0	0	0	5	52	118	125	102	572
1994	73	30	0	0	0	0	0	18	114	116	119	114	690
1995	57	7	0	0	0	0	0	0	62	128	127	112	603
1996	68	18	0	0	0	0	0	0	88	136	122	109	631
1997	41	24	0	0	0	0	0	2	104	131	135	111	658
1998	76	30	7	0	0	0	0	8	65	84	132	117	614
1999	55	25	0	0	0	0	0	0	41	118	135	115	595
2000	80	39	0	0	0	0	0	0	112	126	130	117	693
AVERAGE:	57	17	1	0	0	0	0	8	80	131	128	112	631
1950-2000													

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SCANNED
MAY 03 2007

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: A01-00315
Date Received: 12-5-1988
Receipt No: E004791
Received By: S.M.

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LABELLE IRRIGATING COMPANY
Address: C/O GARY H. RHODES
528 N 4250 E
RIGBY, ID 83442
208-745-6210
2. Date of Priority: APR 01, 1939
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	30.000		
STOCKWATER	04/01	11/01	0.430		
7. Total Quantity Appropriated is:
30.000 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

A01-00315

Page 1

Date: 12/05/88

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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				
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

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
THE PLACE OF USE IS OWNED BY THE STOCKHOLDERS OF LABELLE
IRRIGATING COMPANY.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
Decree Defendant

A01-00315

Page

4

Date: 12/05/88

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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 X 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 LaBelle Irrigating Co. of LaBelle Irrigation Co. and that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of Booneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of December 19 88
Glenn J. Rhodes
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 3/29/1991

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 A01-00315
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Please type or print clearly

1. Name of Claimant (s) LaBelle Irrigating Company Phone (208) 745-6410
Mailing Address 528 N 4250 E Rigby, ID Zip 83442

2. Date of Priority (Only one (1) per claim) April 1, 1939

3. Source of water supply (a) Great Feeder
which is tributary to (b) South Fork of Snake River

4. 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 works 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.

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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 30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 30.00 (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.) _____

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, 01-00244, Palisades Storage, STOCK or None ()
Claim - 25-4178 + 7 Sub Drainage water, surface water runoff - Attachment No. 1

14. Remarks: As president of LaBelle Irrigating Co., whose stockholder's
pioneer ancestors diverted water from the South Fork of the Snake
River for irrigation of this desert valley, I have authority
to claim this water right.

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Last Name LaBelle Irrigating Ident No. _____

Copies: White -State, Yellow-Claimant

939

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 01-0315
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 of this claim (2)

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

Signature of Authorized Agent X Gary H. Rhodes
Title and Organization Pres, LaBelle Irrigating Company Date Nov 29, 1988

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

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

SEAL

Notary Public

Residing at

My Commission Expires

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 Co. Ident. Number _____

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OCT 19 1992
Copies White State, Yellow Claimant

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	-	-	¹⁰⁰ 3	¹⁰⁰ 1	¹⁰⁰ 10	¹⁰⁰ 4	-	-	¹⁰⁰ 25	-	40	35	-	-	-	-	100
4N	39E	2	-	-	¹⁰⁰ 50	12	¹⁰⁰ 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	-	-	-	-	-	-	-	-	¹⁰⁰ 48	¹⁰⁰ 1	¹⁰⁰ 28	-	-	-	¹⁰⁰ 3	¹⁰⁰ 49	129
											17	56	28				17	11	

Total number of acres irrigated 2853

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OCT 19 1992

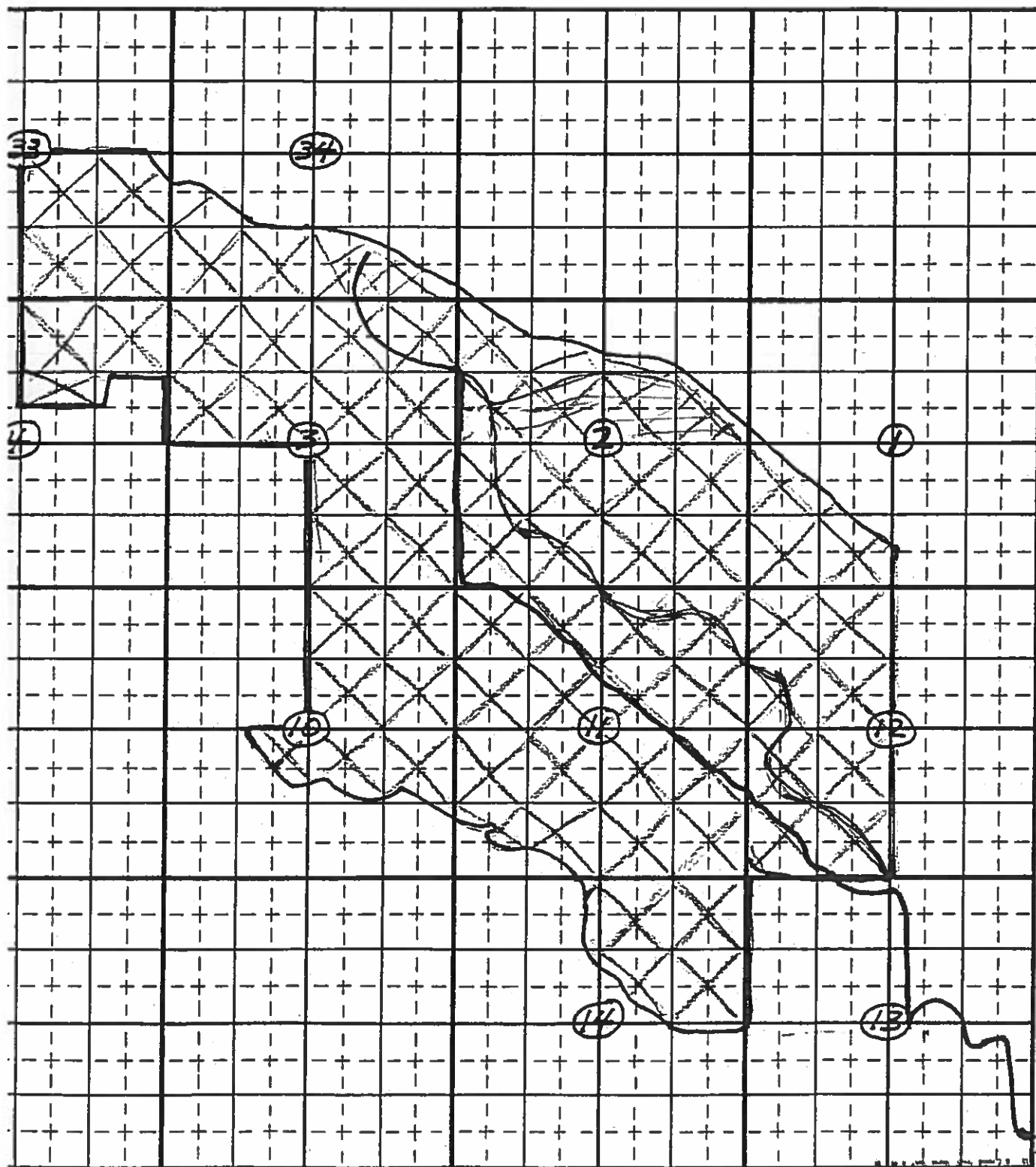
Attachment No. 3
of 2.

of 22.

²Project: show clearly the point of diversion, place of use, section number, township, and range number.

inches equals 1 mile

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



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LaBelle Irrigating Co. Ident No. _____