

11/28/2006

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

RIGHT NUMBER: 22-505B
NAME AND ADDRESS: KERRY LUNDQUIST
4408 E 500 N
RIGBY ID 83442

SUSAN LUNDQUIST
4408 E 500 N
RIGBY ID 83442

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.100 CFS
PRIORITY DATE: 06/01/1899
POINT OF DIVERSION: T06N R45E S8 NWNESE Within TETON County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.100 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R44E S23 SWNE 15.00	T06N R44E S23 SENW 14.00	
	T06N R44E S23 NESW 5.00	T06N R44E S23 NESE 19.00	
	T06N R44E S23 NWSE 21.00	T06N R44E S24 NWSW 36.00	
	110 ACRES TOTAL		

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 110 acres in a single irrigation season. Combined Right Nos.: 22-486A and 22-505B.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Stewart Ditch.



Idaho Department of Water Resources

SRBA Recommendation:

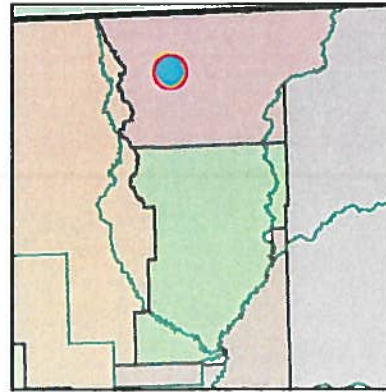
22-486A

22-505B

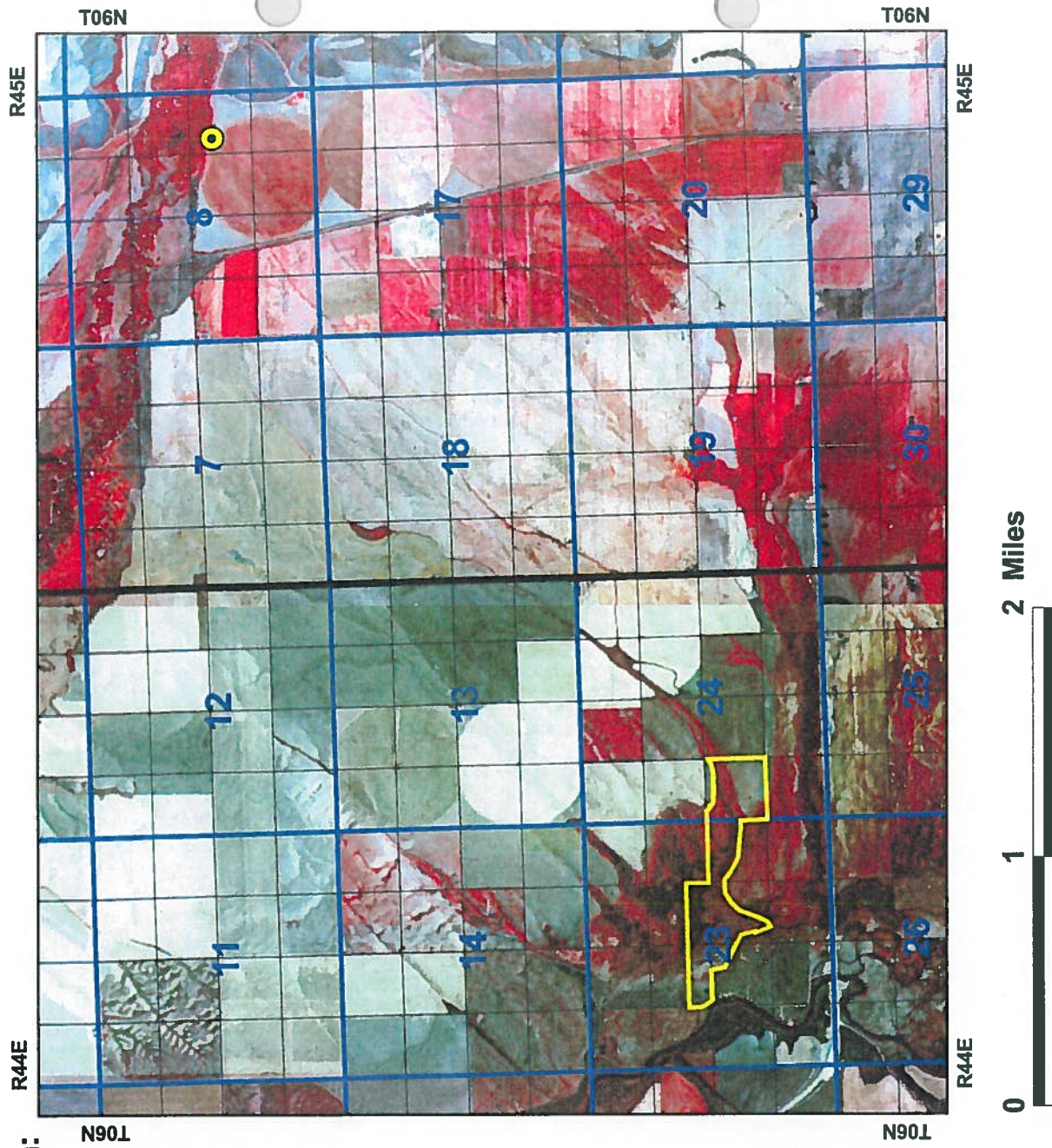
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

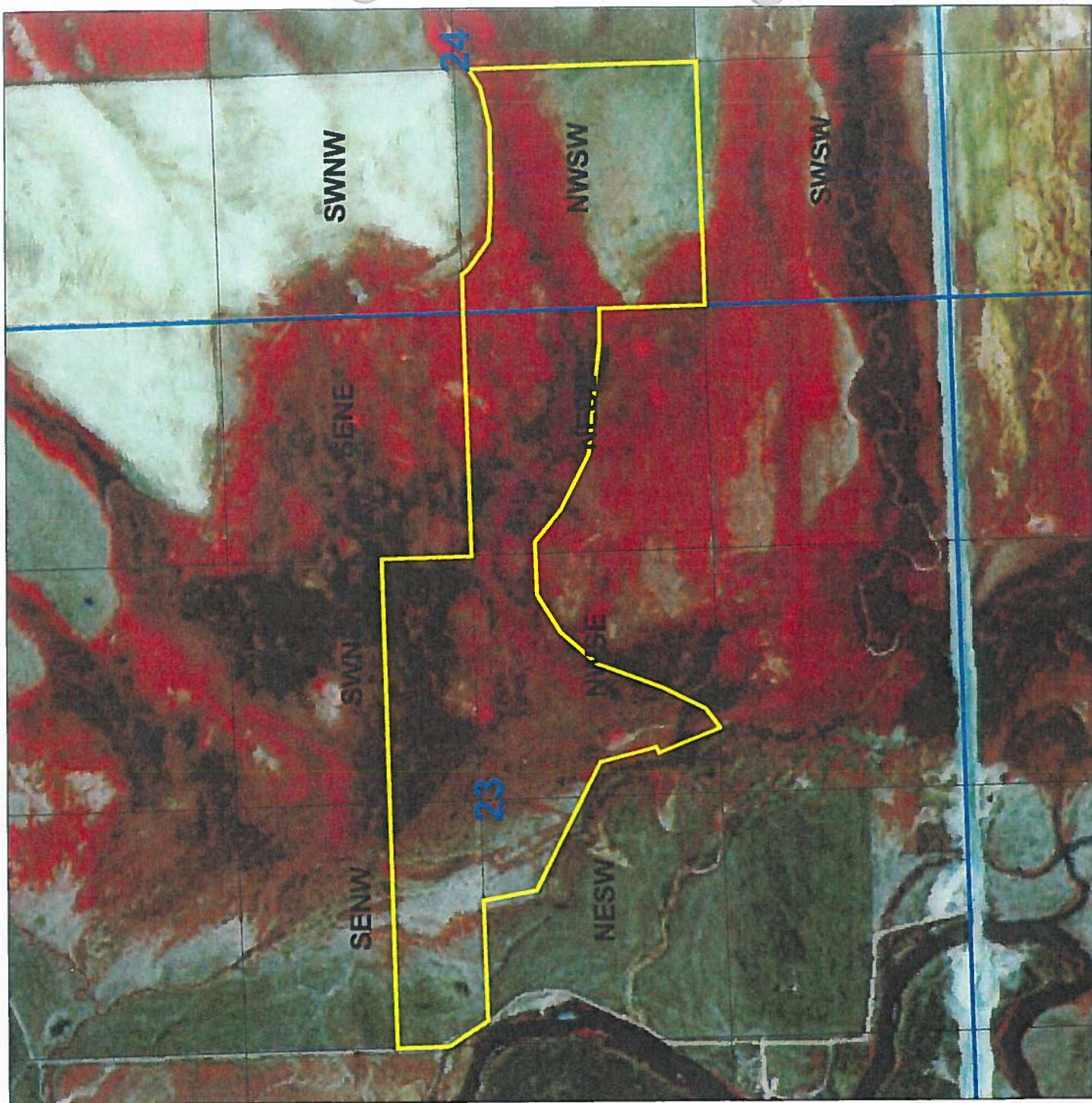


Teton County
IDWR Basin 22



Prepared by K. Moore
On Tuesday, November 28, 2006
1987/88 Aerial Photography

22-486A
22-505B



11/28/2006

**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:

Water right number: 22-505B

KERRY LUNDQUIST

4408 E 500 N

RIGBY ID 83442

Telephone Number: (208)745-7659

SUSAN LUNDQUIST

4408 E 500 N

RIGBY ID 83442

Telephone Number: (208)745-7659

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: 12-7-2006

SIGNATURE: Kerry Lundquist

Please print your name: Kerry Lundquist

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

KMJ
12/11

- ~~1 0698~~ ^{Trans. #2123+2124} 21-0099 ✓
Sherman, E. H.
and Sarah E. 140 inches. Oct. 4, 1895. Hope Creek and Duck Creek.
- ~~1 0699~~ ^{Trans. #2123+2124} 21 0099 ✓
Sherman, E. H.
and Sarah E. 100 inches. June 1, 1896. Hope Creek and Duck Creek.
- ~~1 0698~~ ^{Trans. #2123+2124} 21 0100 ✓
Sherman, E. H.
and Sarah E. 50 inches. June 1, 1897. Duck Creek and Springs.
- ~~1 0698~~ ^{Trans. #2123+2124} 21 0101 ✓
Sherman, E. H.
and Sarah E. 80 inches. Oct. 10, 1897. Duck Creek.
- ~~1 0700~~ ^{01-0168 ✓} 21 0168 ✓
Sherman, E. H.
and Sarah E. 200 inches. Nov. 25, 1902. North Fork of the Snake River.
- ~~1 0700~~ 22 0504 ✓
Sherman, William D. 160 inches. June 1, 1896. Trail Creek.
- ~~1 0700~~ 22 0505 ✓
Sheser, William 10 inches. June 1, 1899. Badger Creek.
- ~~1 0700~~ 22 0506 ✓
Sheser, William 150 inches. June 1, 1902. Seepage water rising in springs on place.
- ~~1 0700~~ 22 0507 ✓
Shirts, Wallace 40 inches. May 15, 1902. Trail Creek.
- Short, Oscar, and
Mrs Shurtliff The Farmers' Friend
Canal Company.
- ~~1 0700~~ 22 0508 23-0079 ✓
Shurtliff, William 150 inches. June 1, 1899. Rainey Creek.
- ~~1 0700~~ 22 0509 23-0080 ✓
Shurtliff 120 inches. June 1, 1891. Rainey Creek.
- ~~1 0700~~ 22 0510 ✓
Siddoway-Briggs
Company. 2,600 inches. June 1, 1891. Teton River, for power purposes.
- 22 0511 ✓
Siddoway-Briggs
Company. 4,200 inches. June 1, 1905. Teton River, for power purposes.
- ~~1 0700~~ 22 0512 ✓
Siddoway Irriga-
tion & Manufactur-
ing Company. 766 inches. Apr. 1, 1898. Teton River.
- ~~1 0700~~ 22 0513 ✓
Siddoway Irriga-
tion & Manufactur-
ing Company. 500 inches. July 1, 1891. Teton River.
- ~~1 0700~~ 22 0514 ✓
Siddoway Irriga-
tion & Manufactur-
ing Company. 384 inches. June 1, 1892. Teton River, from July 1st of each year, for the balance of the irrigating season.
- 21 0102 ✓
Silkey, J. R. 400 inches. June 1, 1890. Fall River. Also, right bought from W. F. Drake.
- Trans. #967-968-973-974-975
- Simmons, A. B. The Farmers' Friend
Canal Company.

Lundquist
owns 50%
of POW.

Sheser, William

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SEC. 23,
and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Sec. 24, T. 6 N., R., 44 E. B. M.,

Shirts, William

Lot 3, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 4, T. 3 N.,
R. 45 E., B. M.

Shurtliff, William

E $\frac{1}{2}$ of SW $\frac{1}{4}$ and Lots 1 and 2 of Sec. 31, T.
2 N. R., 44 E., B. M., Also, Lot 4 of
Sec. 5, and Lots 1, 2 and 3 of Sec.
6, T. 1 N. R., 44 E., B. M.,
containing 156 acres.

Siddoway, James,
and James
Briggs

(See Briggs, James, and James Siddoway.)

Siddoway-Briggs
& Co.,

(a partnership composed of James Siddoway
and James Briggs. (See Briggs, James, and
James Siddoway.)

Siddoway
Irrigation &
Manufacturing
Company.

Lands of stockholders of said company, the
description of said lands and the
names of said stockholders not being
given in the pleadings of said company.

Silkey, J. R.

S $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and Lot 2 of Sec.
12, T. 8 N., R., 41 E. B. M.,
containing 152.25 acres.

Simmons, A. H.

NE $\frac{1}{4}$ of Sec. 26, T. 13, N. R., 43 E. B.
M., containing 160 acres.

Simmons,
Charles C.

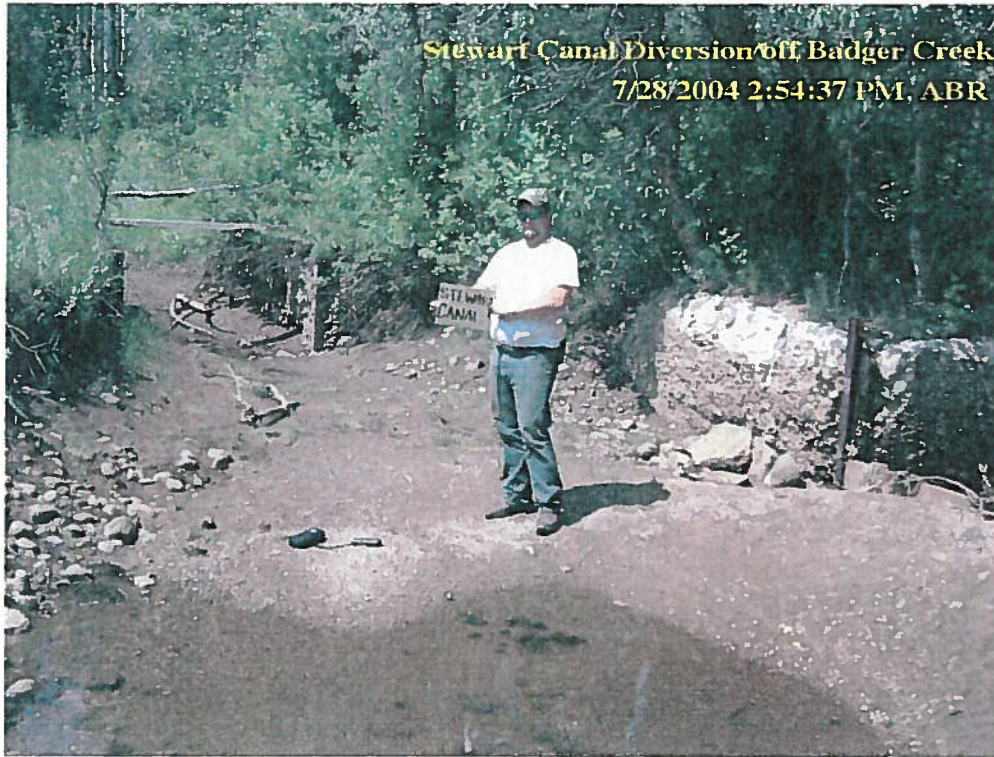
SE $\frac{1}{4}$ of Sec. 26, T. 13, N., R. 43 E. B.
M., containing 160 acres.

Simmons, Inez
and A. H.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 35, T.
13 N., R., 43 E., B. M., containing
160 acres.

Simmons, John

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 25, T.
6 N., R., 45 E., B. M., containing
160 acres.



Stewart Canal Diversion off Badger Creek
7/28/2004 2:54:37 PM, ABR

Actually Stewart Ditch
NOT (really) canal

GPS TAG # A0013677

7/28/04
ABR.CF

65
78

T6N, R45E

Badger Creek

89
1716

Stewart
ditch

as proportionally
split is 100% accounted

T6N, R44E

SWNW

NWSW

Harrop
40 ac

Lundquist
58 ac

22-506 decree
place of use.

SENE

NESE



33

Harrops Bridge

TETON
RIVER

264105 KJ

DAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 22-58, 22-133 F, 22-486 A
22-505, 22-506 - 22-533 A

[] Name(s): Kerry Lundquist
Susan Lundquist

[] Old Mailing Address: 4426 E 500 N
Rigby, ID 83442

[] New Mailing Address: 4408 E 500 N
Rigby, ID 83442

Telephone Number: (208) 745 - 7659

[] Signature(s) of Owner(s) Kerry Lundquist

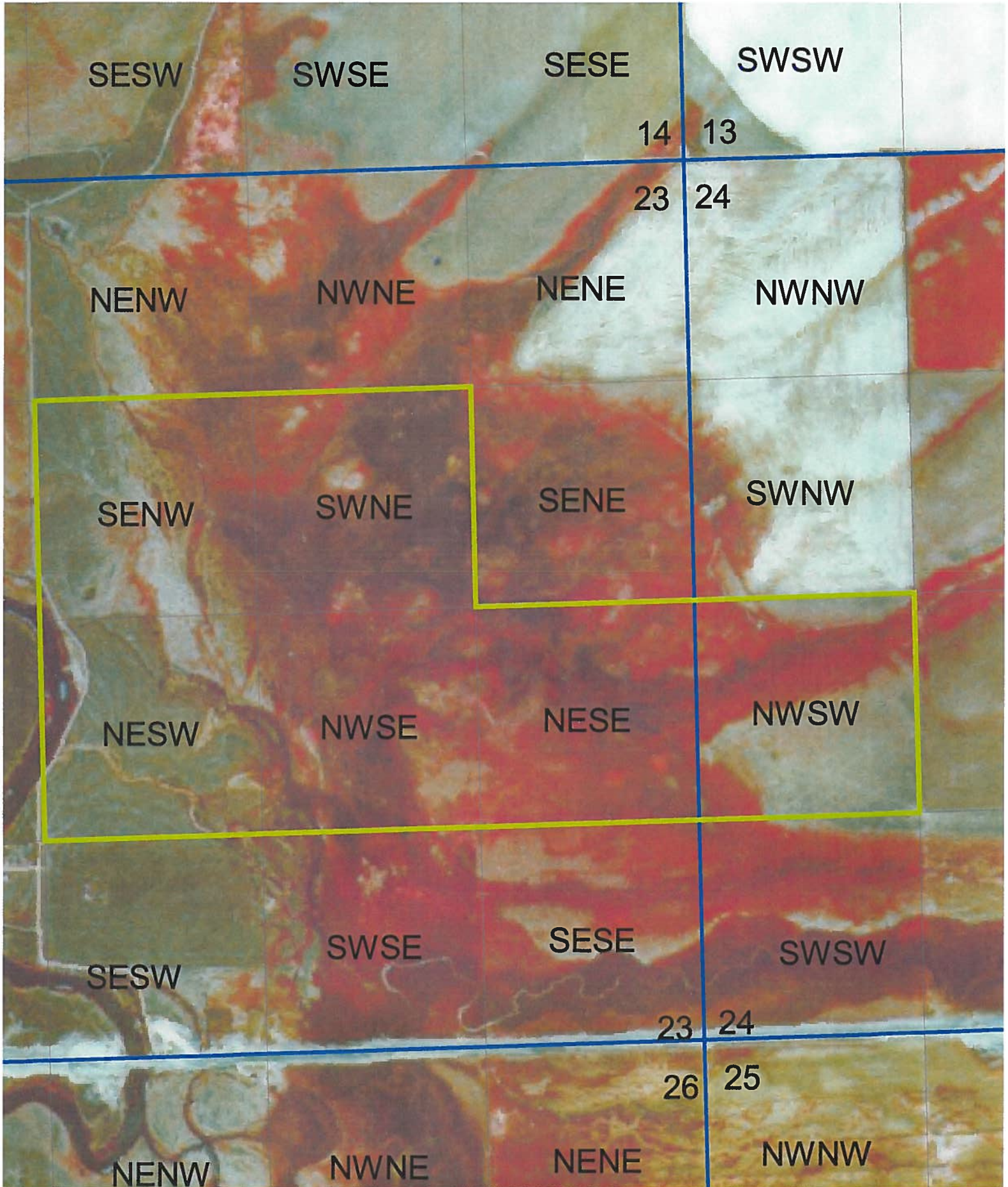
(Include your title if on behalf of company or organization)

PROFILED

Date: 2-23-2005

SCANNED
FEB 24 2005

22-505





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2003

KERRY & SUSAN LUNDQUIST
4426 E 500 N
RIGBY ID 83442

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-58, 22-133F, 22-
486A, 22-505, 22-506, 22-533A

Dear Mr. & Mrs. Lundquist:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Signature of New Owner(s) or Claimant(s) Kerry Lundquist
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>JC</u>	Date <u>9-5-03</u>	Fee <u>\$50-</u>
Receipted by <u>JC</u>	Date <u>9-5-03</u>	Receipt No. <u>E 029159</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received Theo I. Hanson and Ruth G. Hanson, Trustees or their successors in trust,
under the Theo and Ruth Hanson Trust dated May 16, 1990

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Gary D. Lundquist and Sandra Lundquist, husband and wife and Kerry S. Lundquist and
Susan B. Lundquist, husband and wife

whose address is: 470 North 4300 East, Rigby, ID 83442

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 5, 2003

Theo I. Hanson
Theo I. Hanson, Trustee

Ruth G. Hanson
Ruth G. Hanson, Trustee

STATE OF Idaho

)ss.

COUNTY OF JEFFERSON

On this 09/05/2003, before me Katie Jo Becker, personally appeared Theo I. Hanson and Ruth G. Hanson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the Theo and Ruth Hanson Trust, dated May 16, 1990 and acknowledged to me that they executed the same as such Trustees.

Katie Jo Becker
Notary Public of Idaho
Residing at: Rexburg, Idaho
Commission Expires: 11/08/05



ATTACHED LEGAL DESCRIPTION

Order No.: T11051

PARCEL 1

Beginning 50 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 44 East of the Boise Meridian, Teton County, Idaho, running thence North 1200 feet; thence running in a Northeasterly direction to the East line 700 feet South of the Northeast Corner of the Northeast Quarter of the Southeast Quarter; thence South 1900 feet; thence West 1320 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the existing right-of-way of Highway 33 along the South boundary of the above described property.

PARCEL 2

The Southwest quarter of the Southeast quarter (SW1/4 of the SE1/4) Southeast quarter of the Southwest quarter (SE1/4 of the SW1/4) and the West half of the Southwest quarter (W1/2 of the SW1/4) of Section 24, Township 6 North, Range 44 EBM.

ALSO the Southeast quarter (SE1/4) and beginning at the Southeast corner of the Southwest quarter, thence North to the Northeast corner of the Southwest quarter, thence West to Northwest corner of the Northeast quarter of the Southwest quarter, thence South to the inside corner of an existing County Road, then Southeasterly along said County Road to the South Section Line, thence East along said Section Line six hundred fifty (650) feet, more or Less, to the point of beginning, said described property being in Section 23, Township 6 North, Range 44 EBM.

LESS AND EXCEPTING THEREFROM the following described property:

Beginning at the South west corner of Section 23, Township 6 North, Range 44 East of the Boise Meridian; running thence N 89°46'55" E. 1322.71 feet along the South line of said Section 23; thence N 0°15'34" E. 574.91 feet to the true point of beginning, being on the West line of the East one-half of the Southwest quarter of said Section 23; running thence N 0°15'34" E. 2073.42 feet along said West line of the East one-half of the Southwest quarter to the Northwest corner of said East one-half of the Southwest quarter; thence N 89°46'29" E. 793.33 feet along the North line of said East one-half of the Southwest quarter; thence S 6°02'30" E. 279.71 feet; thence S 62°07'37" E. 786.66 feet; thence S 14°57'17" E. 328.71 feet; thence S 72°49'14" W. 28.61 feet; thence S 19°07'41" E. 397.95 feet; thence S 1°14'23" W. 105.07 feet; thence S 0°21'33" W. 322.56 feet; thence S 87°46'10" W. 366.15 feet; thence S 0°37'15" W. 315.76 feet; thence N 88°45'43" W. 1342.16 feet to the true point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the existing right-of-way of County Road and Highway 33 along the South and West boundary of the above described property.

PARCEL 3

Beginning 500 feet North of the Southwest Corner of the SE1/4NW1/4 of Section 23, Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho and running thence East 2,640 feet; thence North 500 feet; thence West 2,640 feet; thence South 500 feet to the point of beginning.

ALSO beginning 2,630 feet East of the Southwest Corner of the SE1/4NW1/4 of Section 23, Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho and running thence East 10 feet; thence North 500 feet; thence West 10 feet; thence South 500 feet to the point of beginning.

ALSO beginning at the SW corner of the SE1/4NW1/4 of Section 23, Township 6 N., Range 44 E.B.M. and running thence East 2630 feet, thence North 500 feet, thence West 2630 feet, thence South 500 feet, to the point of beginning.

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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 22-505B
Date Received: 10/3/1988
Receipt No:
Received By:

Renumbered from 22-505

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KERRY LUNDQUIST Phone: (208)745-7659
4408 E 500 N
RIGBY ID USA 83442

SUSAN LUNDQUIST Phone: (208)745-7659
4408 E 500 N
RIGBY ID USA 83442

2. Date of Priority: 06/01/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	44E	24	NE NE	TETON	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	

7. Total Quantity Appropriated is:
0.2 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
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06N	44E	23	SW	NE	IRRIGATION	15
			SE	NW	IRRIGATION	15
			NE	SW	IRRIGATION	20
			NE	SE	IRRIGATION	15
			NW	SE	IRRIGATION	20
					Section Acres	85
06N	44E	24	NW	SW	IRRIGATION	34
					Section Acres	34
					Total Acres	119

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

This right is renumbered from former right 22-505 .

15. Basis of Claim: Decreed

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 22-505
Date Received: 10/3/1988
Receipt No: E002848
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KERRY LUNDQUIST Phone: (208)745-7659
4426 E 500 N
RIGBY ID USA 83442

SUSAN LUNDQUIST Phone: (208)745-7659
4426 E 500 N
RIGBY ID USA 83442

2. Date of Priority: 06/01/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	44E	24	NE NE	TETON	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	

7. Total Quantity Appropriated is:
0.2 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
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06N	44E	23	SW	NE	IRRIGATION	15
			SE	NW	IRRIGATION	15
			NE	SW	IRRIGATION	20
			NE	SE	IRRIGATION	15
			NW	SE	IRRIGATION	20
					Section Acres	85
06N	44E	24	NW	SW	IRRIGATION	34
					Section Acres	34
					Total Acres	119

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

A-32