

12/22/2005

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

RIGHT NUMBER: 22-4010

NAME AND ADDRESS: NEVA S LARSEN
PO BOX 97
NEWDALE ID 83436

JAMES WAYNE LARSEN
PO BOX 97
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
9.700 AFY

Right Nos. 22-4010, 22-7219, and 22-7236 are limited to a total combined diversion rate of 2.70 cfs and to a total combined annual diversion volume of 665.0 AF.

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T07N R41E S26 NENWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.050 CFS 9.70 AFY

PLACE OF USE: IRRIGATION Within FREMONT County

T07N R41E S26	NENE	37.0	T07N R41E S26	NWNE	34.0
T07N R41E S26	SWNE	40.0	T07N R41E S26	SENE	39.0

150 ACRES TOTAL

This right is limited to the irrigation of 2.8 acres within the place of use described above in a single irrigation season.

Right Nos. 22-4010 and 22-7219 are limited to the irrigation of a combined total of 150.0 acres in a single irrigation season.

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 - Beneficial Use

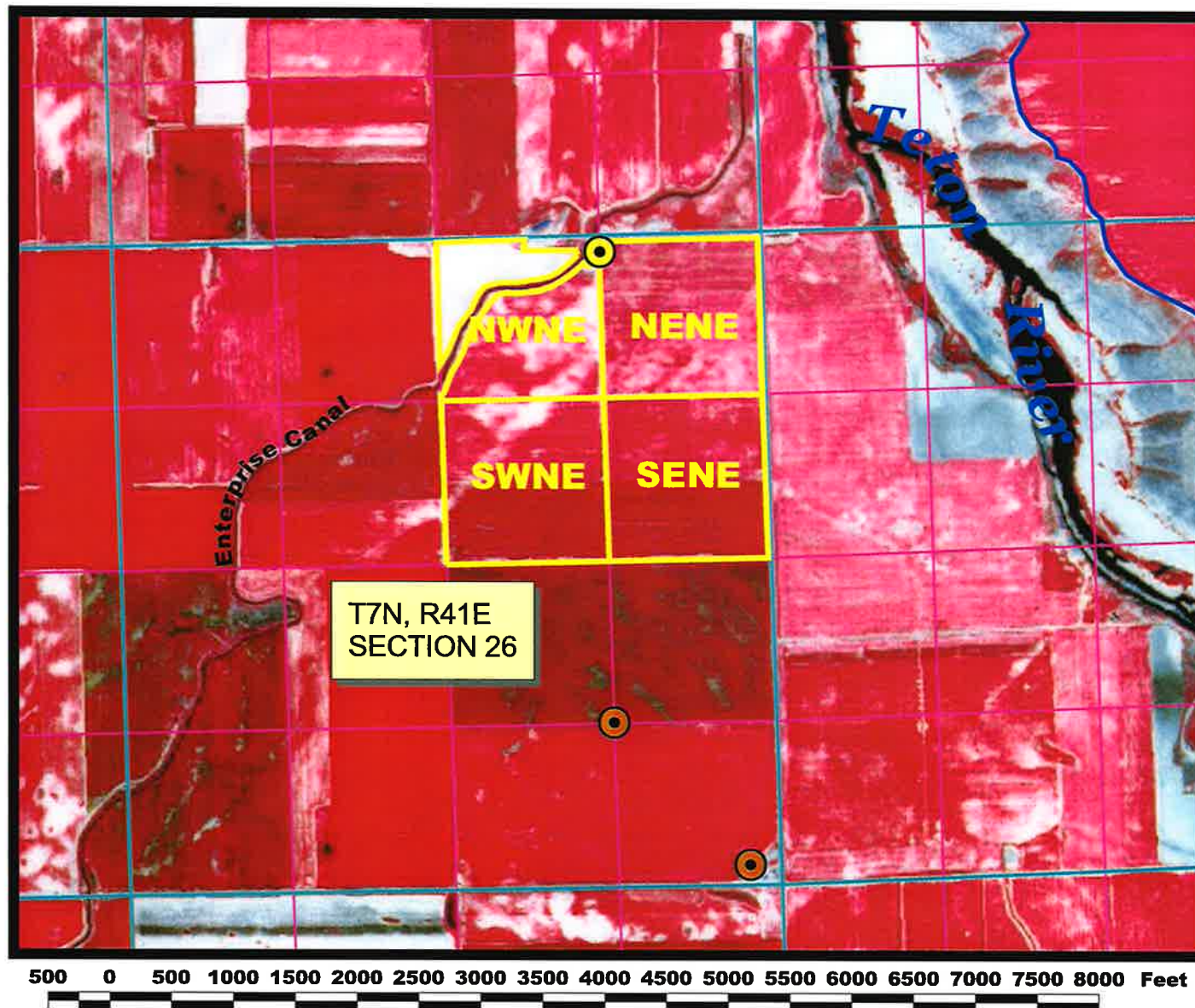
Right No. 22-4010, 22-7219, and 22-7236 are also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-4010,
22-7219

Point(s) of Diversion:
T7N, R41E
Sec. 26 NENWNE

Place of Use: (parts of)
T7N, R41E
Sec. 26 NE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2005

09/14/2006

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09/14/2006

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: 22-4010

NEVA S LARSEN

PO BOX 97

NEWDALE ID 83436

Telephone Number: (208)458-4345

JAMES WAYNE LARSEN

PO BOX 97

NEWDALE ID 83436

Telephone Number: (208)458-4345

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: 10/3/06

SIGNATURE: James Wayne Larsen

Please print your name: WAYNE LARSEN

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

AMP
10/6

RECEIVED

JUN 29 2004

Department of Water Resources
Eastern Region

I GARNER SIMONS BEGAN RENTING PROPERTY FROM WAYNE LARSEN IN THE SPRING OF 1961. THE PROPERTY WAS IRRIGATED AND THE WATER DEVERSION POINT WAS

TOWNSHIP 07N RANGE 41E SECTION 26 IN FREMONT COUNTY IDAHO.

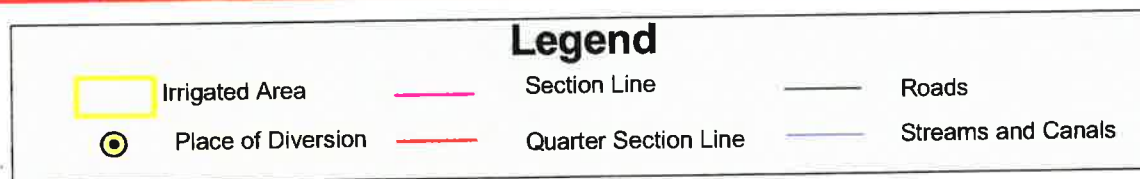
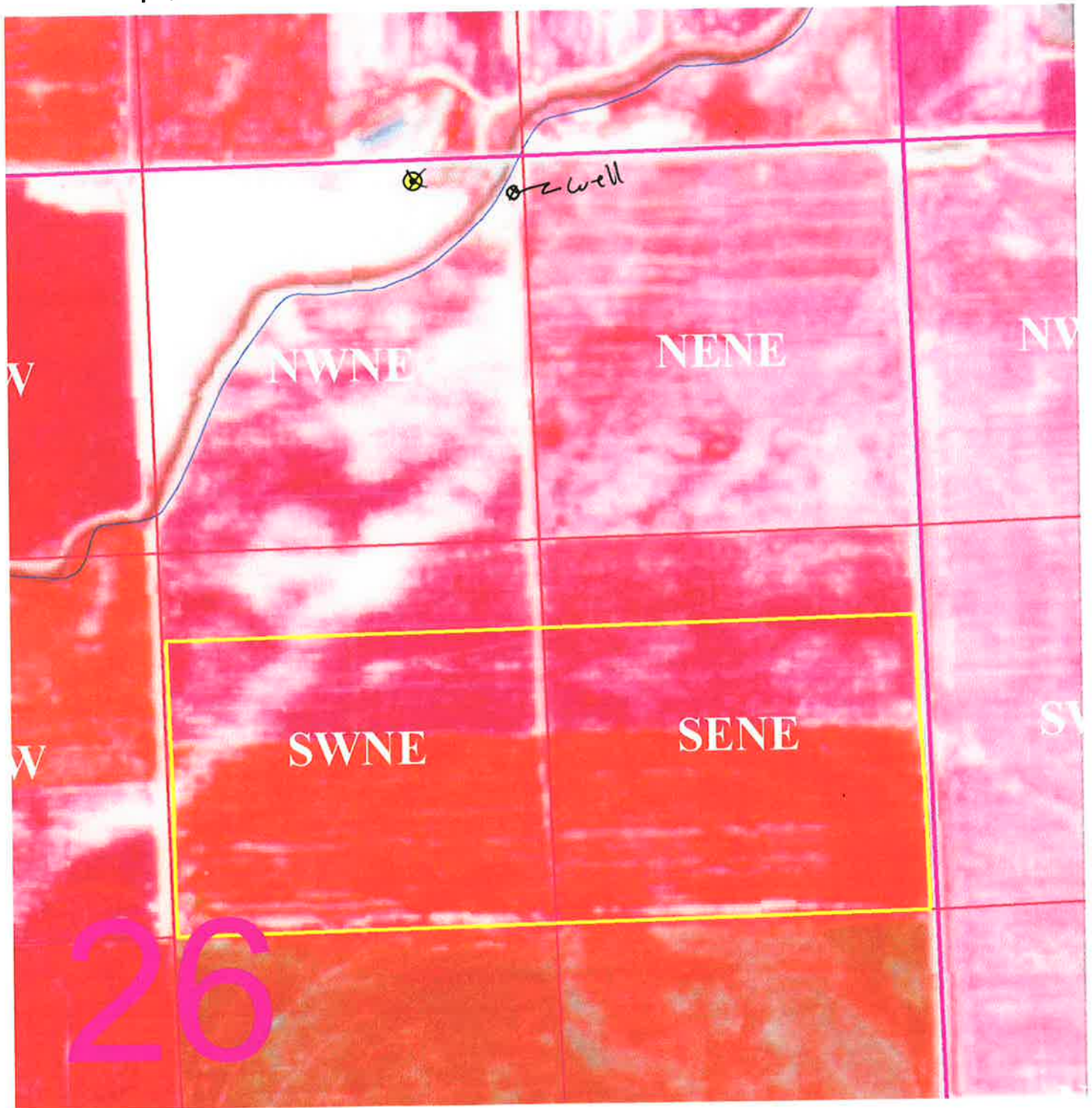

GARNER SIMMONS
133N 3E
TETON CITY IDAHO 83451

7/11/13

#?
22-4010

Water Right Claim Number 22-04010
Township , 7N41E

08/09/2001



Claim No. 22-1010

Document Checklist

☐ Copy License/Decree _____

☐ Copy Transfer _____

☐ Copy Licensing Field Exam _____

☐ Check if Ownership/Address Change is Required _____

☒ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Ground was irrigated from well in
NW 1/4 26 by Garner Simmons

May 28, 2004

**JAMES WAYNE OR NEVA LARSEN
PO BOX 97
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4010

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of APR 1 1961, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

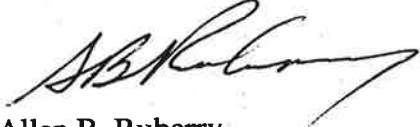
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Log for claim 22-04010

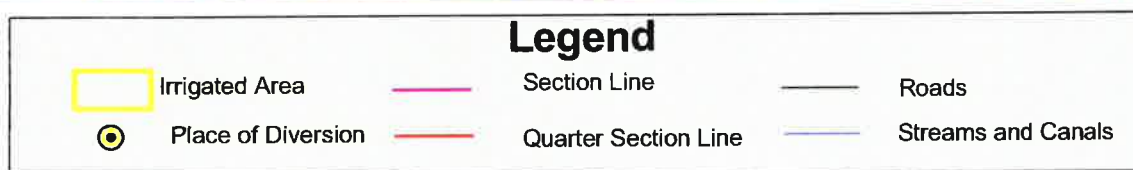
Spatial Dynamics BTD

8/9/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n41e	26	SWNE	30	30	
07n41e	26	SENE	30	30	
Totals:			60	60	

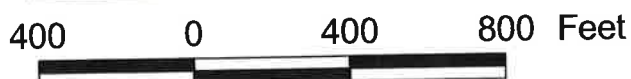
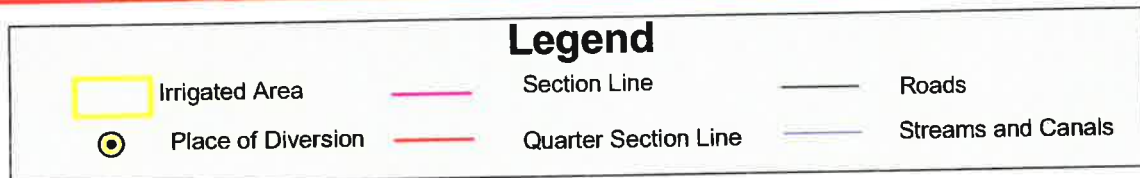
Water Right Claim Number 22-04010
Township , 7N41E

08/09/2001



Water Right Claim Number 22-04010
Township , 7N41E

08/09/2001



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2224	James Wayne Larsen	0.55	0	22-4010

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22-4010

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 0.55 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NW ¼ NE ¼, Section 26 Township 7N
Range 41E, B.M., Fremont County _____
Additional points _____
 - c. Description of diverting works well, 200 Hp motor and pump, buried 10" steel main & 6 to 8 ½-mile wheel lines
 - d. Describe the reasons for applying for a change in the point(s) of diversion Applicant wishes to transfer Claim No. 22-4010 to a well on his own land.

2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	41E	26			30	30													60

Total number of acres to be irrigated 60

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

James Wayne Larson
(Signature of applicant)

Subscribed and sworn to before me this 8th day of March, 19 78.

Robert Wray
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-4010
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 5th day of June, 19 78.

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by <u>cu</u>	Date <u>3-08-78</u>	Protest filed by _____
Prelim. check by <u>EDC</u>	Fee <u>\$30.00 fee transferred</u> from T #22-2173 dated _____	
Receipted by <u>cu</u>	Date <u>3/31/77</u>	
Published in <u>Fremont County Chronicle</u>	Copies of protest forwarded by _____	
Pub. dates <u>March 16 & 23, 1978</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>N.A.</u>	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>Ernest M. Nelson</u> <u>55</u>	

Hand-drawn diagram on graph paper. A rectangular area is shaded with diagonal hatching. To the left of this area, the text "Zb." is written. Above the area, the text "Rgs. 41E" is written. To the right of the hatched area, a vertical dashed line is drawn, ending in a small circle with a dot inside (⊙).

Received by Cul Date 3-08-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by EMC Date 3-08-78 claimant by: _____
\$10.00 fee received by Cul Date 3-08-78
Approved for publication by me 4-24-78 #2864
Published in Government City (Phon)
Dates May 16 & 23, 1978

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AMT
LICENSED
22-2173

24

3c

30

→ AMT CLAIMED 22-1010

40

40

AMT. IN PROOF	TO
BENEFICIAL USE	SEE
LIC. 22-2173	

12

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: A22-04010
Date Received: 8/16/1988
Receipt No: E001329
Received By: JO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES WAYNE LARSEN 208-458-4345
Address: P.O. BOX 97
NEWDALE, ID 83436
AND/OR
Name: NEVA S. LARSEN 208-458-4345
Address: P.O. BOX 97
NEWDALE, ID 83436

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	26	NW	NE			FREMONT

5. Description of diverting works:
WELL/PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.550		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2204010



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	26	SW	NE		IRR	30.0
			SE	NE		IRR	30.0
					Section Acres		60.0
					Total Acres		60.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
A22-07219.

14. Remarks:
TRANS. NO. 2224.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 4010

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Yvon S. Laven* Date: 8/16/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day

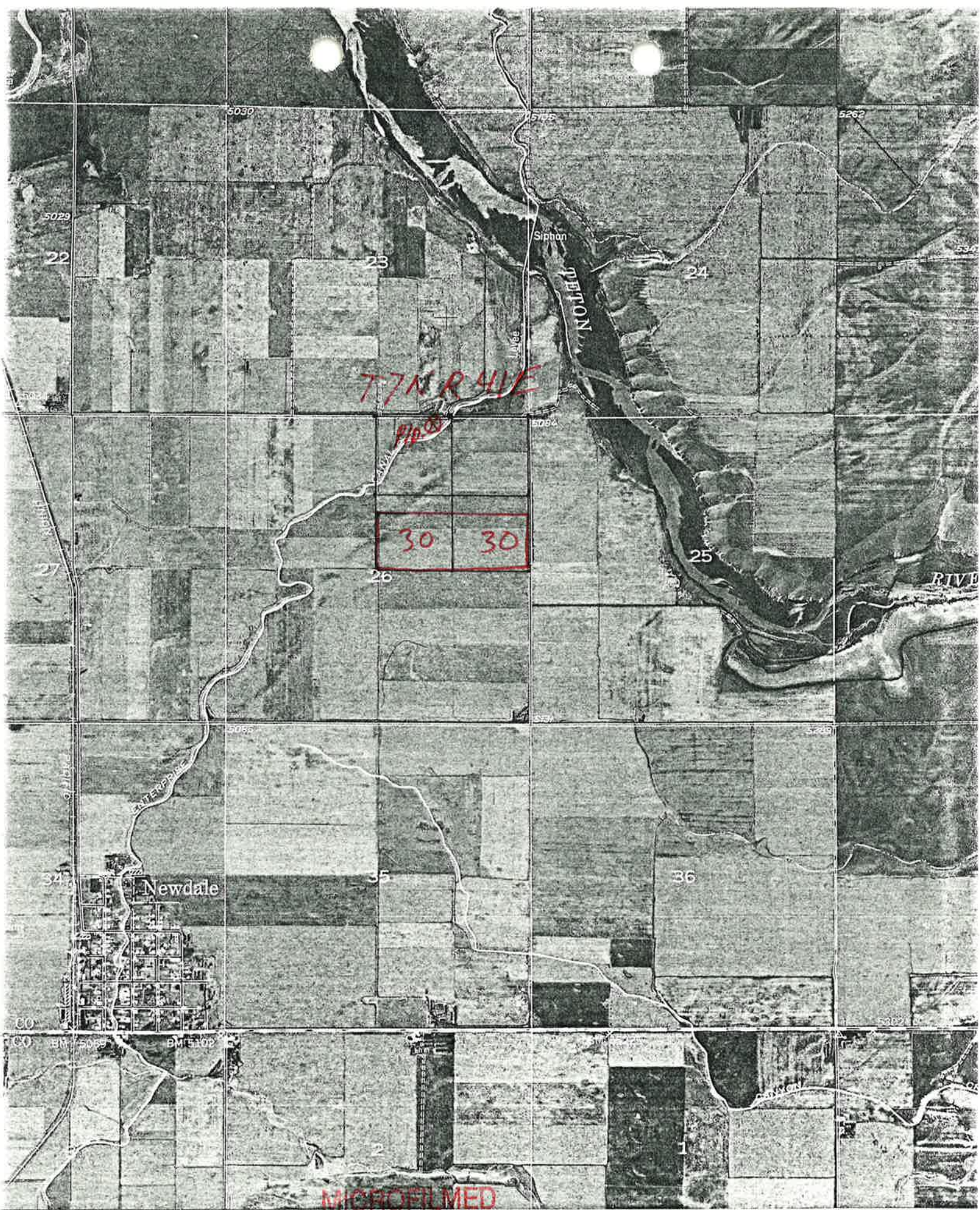
of *Aug.* 19 88

Ernest Coulter
Notary Public

Seal

Residing at *Albino Falls, ID*

My Commission Expires *14 June 1994*



MICROFILMED
OCT 29 1992

A22-04010

Survey
Conservation Service
78,000 scale

SCALE 1:24 000

