

In Re SRBA

Case No. 39576

Water Right 22-04185

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2009

By _____
Clerk _____
Deputy Clerk _____

SOURCE: GROUND WATER

QUANTITY: 4.11 CFS
1326.50 AFY

The rights listed below are limited to a total combined annual diversion volume of 2550.5 af. Combined Right Nos.: 22-4185, 22-7019, 22-7171.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, 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.

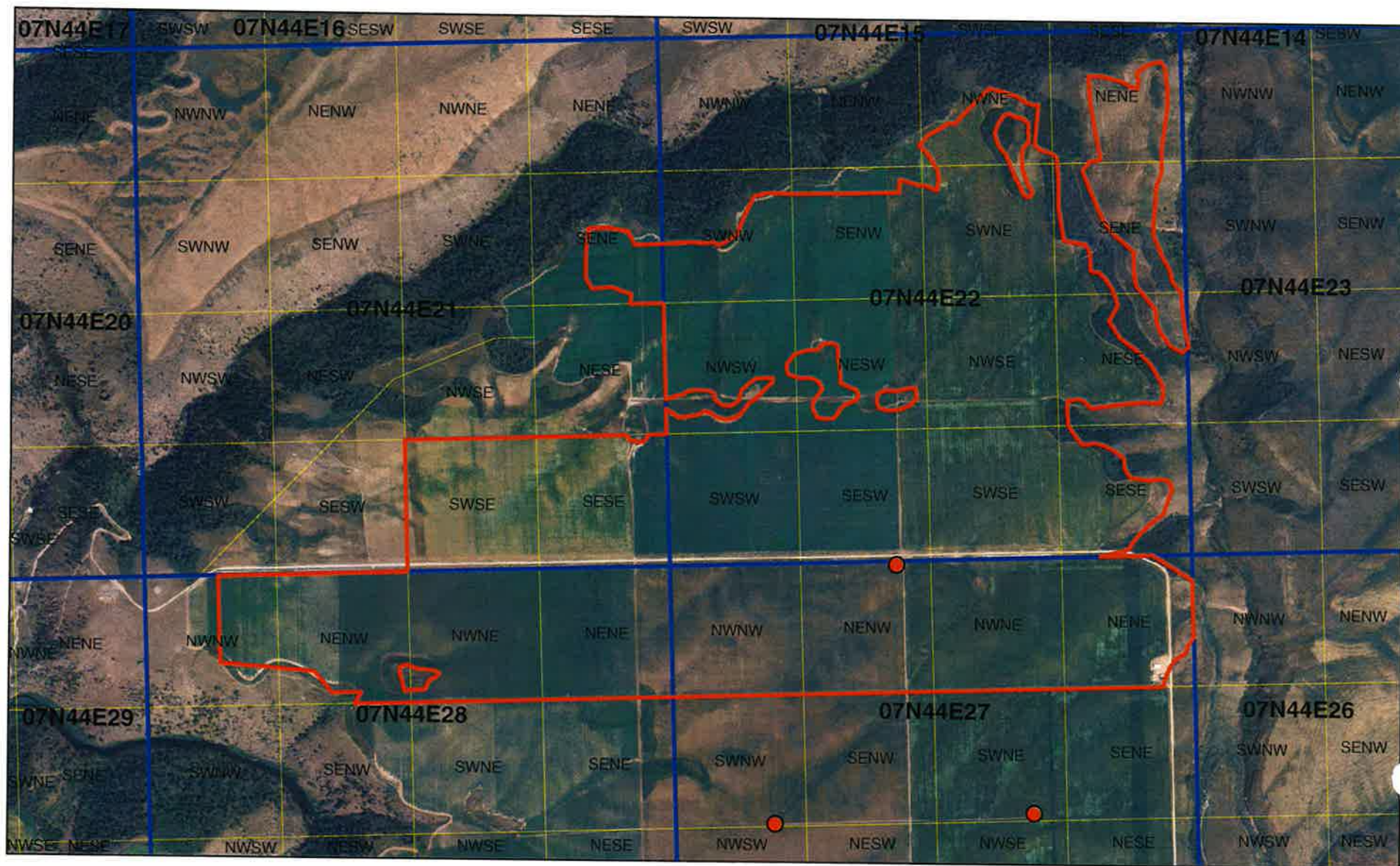
PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.11 CFS
			1326.50 AFY

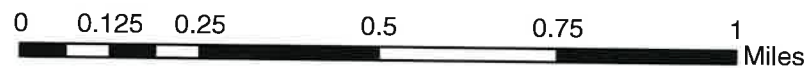
PLACE OF USE:	Irrigation		Within Teton County
	T07N R44E S21	SENE 11.0	SWSE 40.0
		SESE 39.0	
	S22	NENE 14.0	NWNE 12.0
		SWNE 38.0	SENE 21.0
		SWNW 23.0	SENE 32.0
		NESW 32.0	NWSW 35.0
		SSW 40.0	SESW 40.0
		NESE 24.0	NWSE 40.0
		SWSE 40.0	SESE 22.0
	S27	NENE 36.0	NWNE 40.0
		NENW 40.0	NWNW 40.0
	S28	NENE 40.0	NWNE 39.0
		NENW 35.0	NWNW 12.0
	785.0 Acres Total		

Place of use does not include federal public lands. The rights listed below are limited to the irrigation of a combined total of 785 acres in a single irrigation season. Combined Right Nos.:22-4185, 22-7019, 22-7171

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 22-04185 File Number: 00644



Dennie Arnold **PPU for 22-4185, 22-7019, and 22-7171**



- Legend**
- PODs
 - PPU

**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)

Case No. 39576)

A. Subcase 22-4185
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E. Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:	Janet Arnold	Dennie K Arnold
Address:	1045 N Hwy 32	1045 N Hwy 32
	Felt, ID 83424	Felt, ID 83424

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See Attached
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The United States of America, through the Bureau of Reclamation, is the owner of land included in the boundary encompassing the place of use in this water right. The boundary must be changed to delete Federal land in T07N R44E S28.

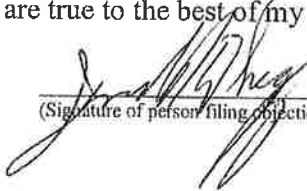
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

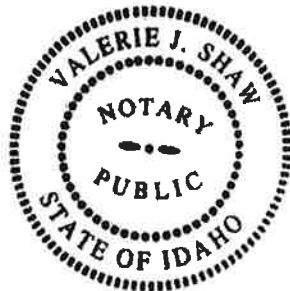
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



August 3, 2007
Valerie J Shaw
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6-2-2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Aug. 8, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Janet Arnold
Address: 1045 N Hwy 32
Felt, ID 83424

Dennie K Arnold
1045 N Hwy 32
Felt, ID 83424

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Attachment 1 - 22-4185

POU's on BOR

-Irrigation of Federal land is not authorized on the list below.

UNAUTHORIZED POU's ON BOR LAND:

<u>Legal Description</u>	<u>BOR acres</u>
T07N R44E S28	
NENW	0.1 Acres
NWNW	0.2 Acres

Water Right Claims 22-7171, 22-7019, 22-4185

NWNW & NENW Sec 28 T7N R44E



7-12-06

- license 22-7171 is for 408 acres which overlap the 380 acres for 22-7019.
- claim 22-7171 claims 418 acres which is 10 acres over the license
- Enlargement 418.5 was filed for 390 acres
- Complete irrigated acres = 787 acres
 - licensed acres = 408
 - total " = 787
 - $787 - 408 = 379$ acres enlargement.
- 379 acres gets $379 \cdot 3.5 \text{ aF} = 1326.5 \text{ afa}$
- 1326.5 combined with the 1224 limit as stated in 22-7171 ~~license~~ license
 - $= 1326.5 + 1224 = \underline{2550.5 \text{ afa}}$ for Permissible Place of use.

TH

7-12-06

— together license 7171 for .88ds and
license 22-7019 for v.4.05 = 5.28 ds
total. PPV will be limited to that total.

TC

7-17-06

Wells were added
prior to 1987.

CO3.

TF

SCANNED

SEP 18 2007

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

4-29-04 Allen Rubelby & Clayton Fullmer Meeting
w/ith Dennis Arnold 9:30AM Talked about
Claim 04185 & 07019 (Enlargement?)

4-28-04 Called ERIC Arnold made meeting Arrangement
For 4-29

SEI 18 ZU07

22-4185

1. (1) Alvin: 1983 SAT. 842-243- Went work - Marijuana Permit Status 842-2291C.

2. (2) Same POD (was) AS 22-7019
See 22-7019 for FE notes

3. (3) Evidence Submitted 6/22/01 - Supports 1981

FIELD AMENDMENT FORM

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)

[Signature]

Date: 6-22-04

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

_____, that I have signed the foregoing

Organization document in the space below as _____ of

_____, Title and that the statements contained in the

Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of BENNEVILLE)

SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of JUNE 20 04

[Signature]
Notary Public

Seal

Residing at BOANO KAUS RD

My Commission Expires 9/23/09

NOTE:

- ① AMENDMENT CHANGES Priority Date to 1981 FROM 1983 PER SUBMITTED EVIDENCE.

RECORDED

SEP 18 2007

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Teton)

Harmon Delwin Smith being first duly sworn, deposes and states:

I, Delwin Smith, 105th North Highway 32, Felt, Idaho, 83424, having lived in Felt, Idaho, my whole life, do attest that Dennie Arnold has irrigated the land concerning permit #22-4185 since 1981.

Harmon Delwin Smith
Delwin Smith

4-27-04
Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS 27th day of April 2004.



Inez Elaine Smith
Notary Public for Idaho
Residing at: Felt, Idaho
My Commission Expires: 6-18-07

RECEIVED
SEP 18 2007

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Teton)

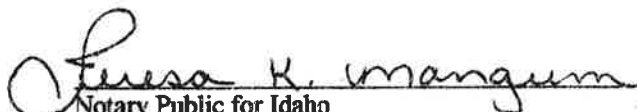
~~I, the undersigned, being first duly sworn, depose and state:~~

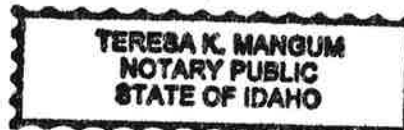
I, Lynn E Smith, 382 West McReynolds Avenue, Felt, Idaho, 83424, having lived in Felt, Idaho,
my whole life, do attest that Dennie Arnold has irrigated the land concerning permit #22-4185 since 1981.


Lynn E. Smith

4/29/04
Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th day of April 2004.


Notary Public for Idaho
Residing at: Driggs
My Commission Expires: 07-24-09



BOOKED
SEP 18 2007

MAILED
4/15/04

To Clayton's File

April 15, 2004

**DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4185

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 JUNE 15, 1983, from a well.

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 required 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**".

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.

SEARCHED

SEP 18 2007

22-4185

T7N, R44E

4/12/04 ASB/CR





Idaho Department of Water Resources

SRBA Recommendation:

22-4185

22-7019

22-7171

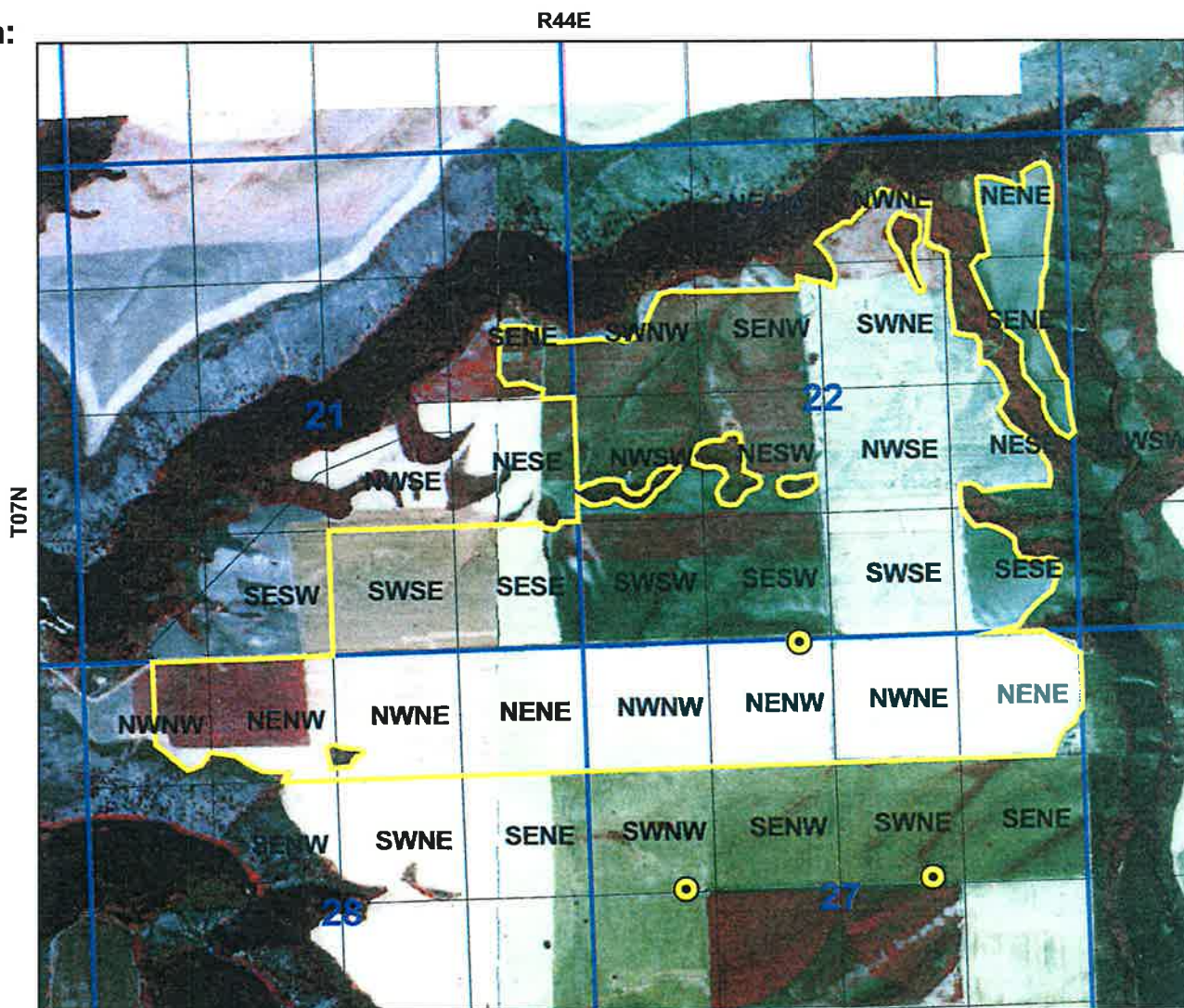
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Wednesday, July 12, 2006
1987/88 Aerial Photography

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: A22-04185
Date Received: 9/30/1988
Receipt No: E002798
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIE K. ARNOLD 208-456-2873
Address: 1045 NORTH HWY. 32
FELT, ID 83424
OR
Name: JANET ARNOLD 208-456-2873
Address: 1045 NORTH HWY. 32
FELT, ID 83424



2. Date of Priority: JUN 15, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	44E	27	NW	NW	NE		TETON

5. Description of diverting works:
WELL/PUMP & SPRINKLER LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.645		

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

8. Total consumptive use is 780.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-04185

Page 1

Date: 09/30/88

MICROFILMED

SCANNED OCT 29 1992

SEP 17 2007

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	44E	21	SE	NE		IRR	16.0
						Section Acres	16.0
		22	NE	NE		IRR	17.0
			NW	NE		IRR	13.0
			SW	NE		IRR	36.0
			SE	NE		IRR	21.0
			SW	NW		IRR	19.0
			SE	NW		IRR	35.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	25.0
						Section Acres	324.0
		28	NE	NW		IRR	30.0
			NW	NW		IRR	20.0
						Section Acres	50.0
						Total Acres	390.0

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:
NONE

14. Remarks:

RIGHT IS BASED ON AN EXPANSION OF 22-7019 & 22-7171. APPLICATION 22-7488 WAS FILED IN CONJUNCTION WITH THIS CLAIM (22-4185). P/U INCLUDES LEASED GROUND W/IN S1/2SW1/4 SEC 22, & N1/2NW1/4 SEC 28, T07N, R 44E.

P/D FOR THIS RIGHT IS THE SAME AS FOR 22-07019 & 22-07171.

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

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

Signature of Claimant(s): Deane L. Alford Date: 9.30.88

Date: _____

State of Idaho)
County of Bonneville) SS.

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

Betty J. Thompson
Notary Public



Residing at Idaho Falls
My Commission Expires 6/94

8145C

6215

6215

Felt
Dart
NO. 8
POOL EL. V 5530

5387

POINT OF DIVERSION

PLACE OF USE

R44E

SCANNED
SEP 17 2007
N 7 T

