

09/12/2005

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

RIGHT NUMBER: 22-4194

NAME AND ADDRESS: ARLENCO INC
C/O GLEN OR LANE ARNOLD
2965 S 2000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
35.000 AFY

Right Nos. 22-2185 and 22-4194 are limited to a total combined diversion rate of 4.75 cfs and to a total combined annual diversion volume of 1032.5 AF.

PRIORITY DATE: 10/10/1960

POINT OF DIVERSION:

T05N R40E S17 NESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS 35.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S17	NENE	40.0	T05N R40E S17	NWNE	39.0
T05N R40E S17	SWNE	35.0	T05N R40E S17	SENE	40.0
T05N R40E S17	NESE	37.0	T05N R40E S17	NWSE	34.0
T05N R40E S17	SWSE	37.0	T05N R40E S17	SESE	33.0

295 ACRES TOTAL

Right Nos. 22-2185 and 22-4195 are limited to the irrigation of a combined total of 295.0 acres in a single irrigation season.

This right is limited to the irrigation of 10.0 acres within the place of use described above 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.

This right is based upon an enlargement of Right No. 22-2185 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 10.0 acres within the place of use described for this right.

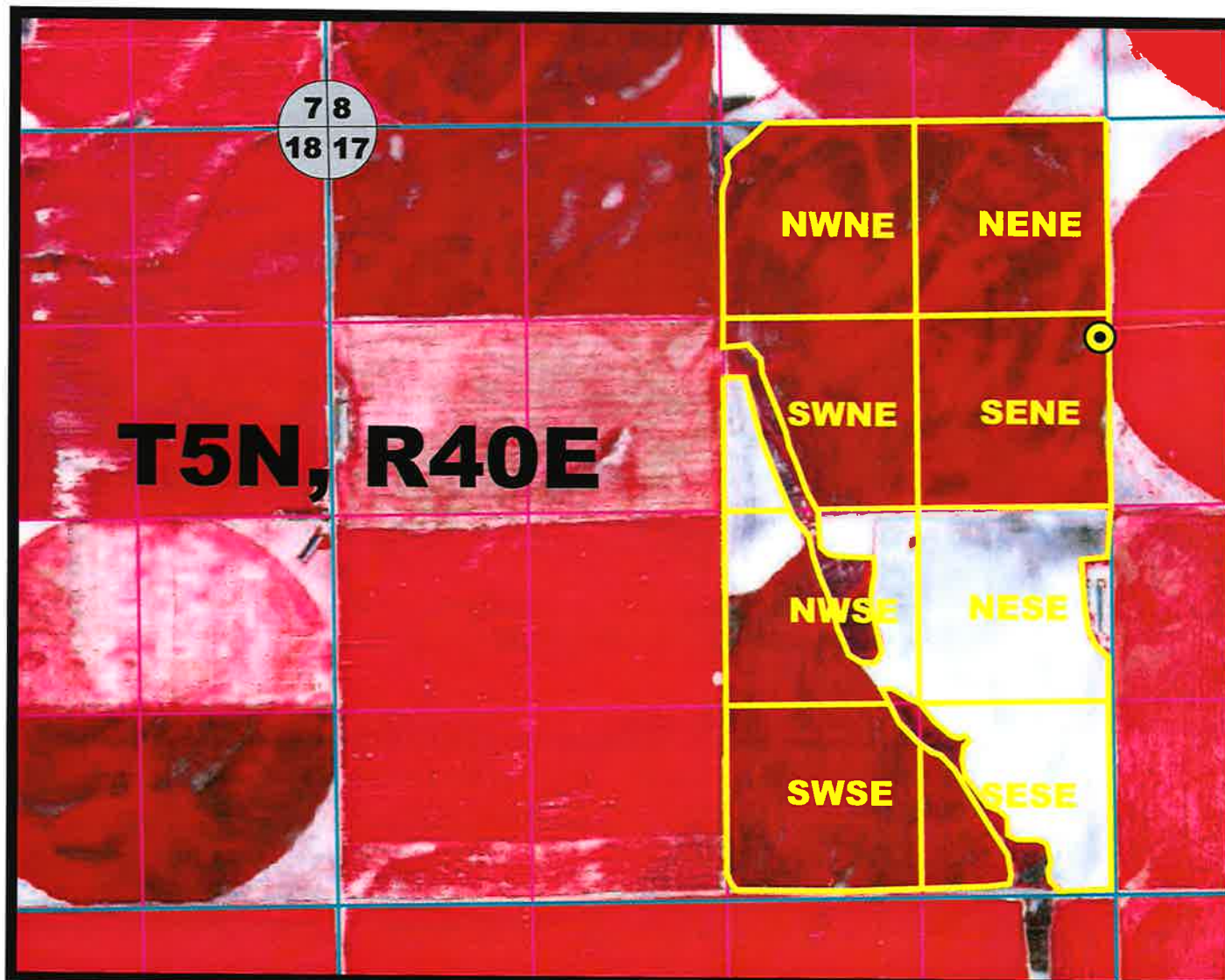
Right No. 22-2185 is also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



7 8
18 17

T5N, R40E

NWNE

NENE

SWNE

SENE

NWSE

NESE

SWSE

SESE

Water Right(s):

22-2185,

22-4194

Point(s) of Diversion:

T5N, R40E Sec. 17 NESENE

Place of Use: (parts of)

T5N, R40E Sec. 17 E2

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

Water Right No(s). A22-2185 & A22-CH194

See attached

GPS DATA:

Tag # A0000272 Location: on power support pole
GPS data - 2679890 File # 222185
1398692

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

/ Booster
Make: G.E. / GE Model: _____ Hp: 400 / 150
SN: HMJ818011 / GFJ318131

PUMP

Johnston
Make: Johnston Model: _____ Disch: _____
SN: N/A / N/A

NOTES:

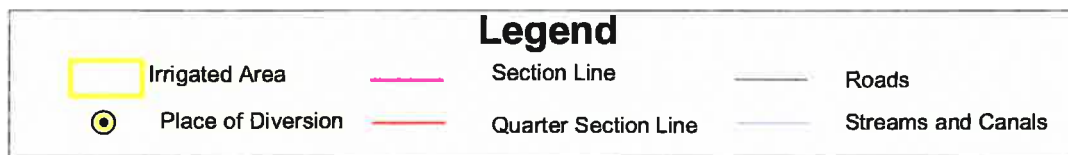
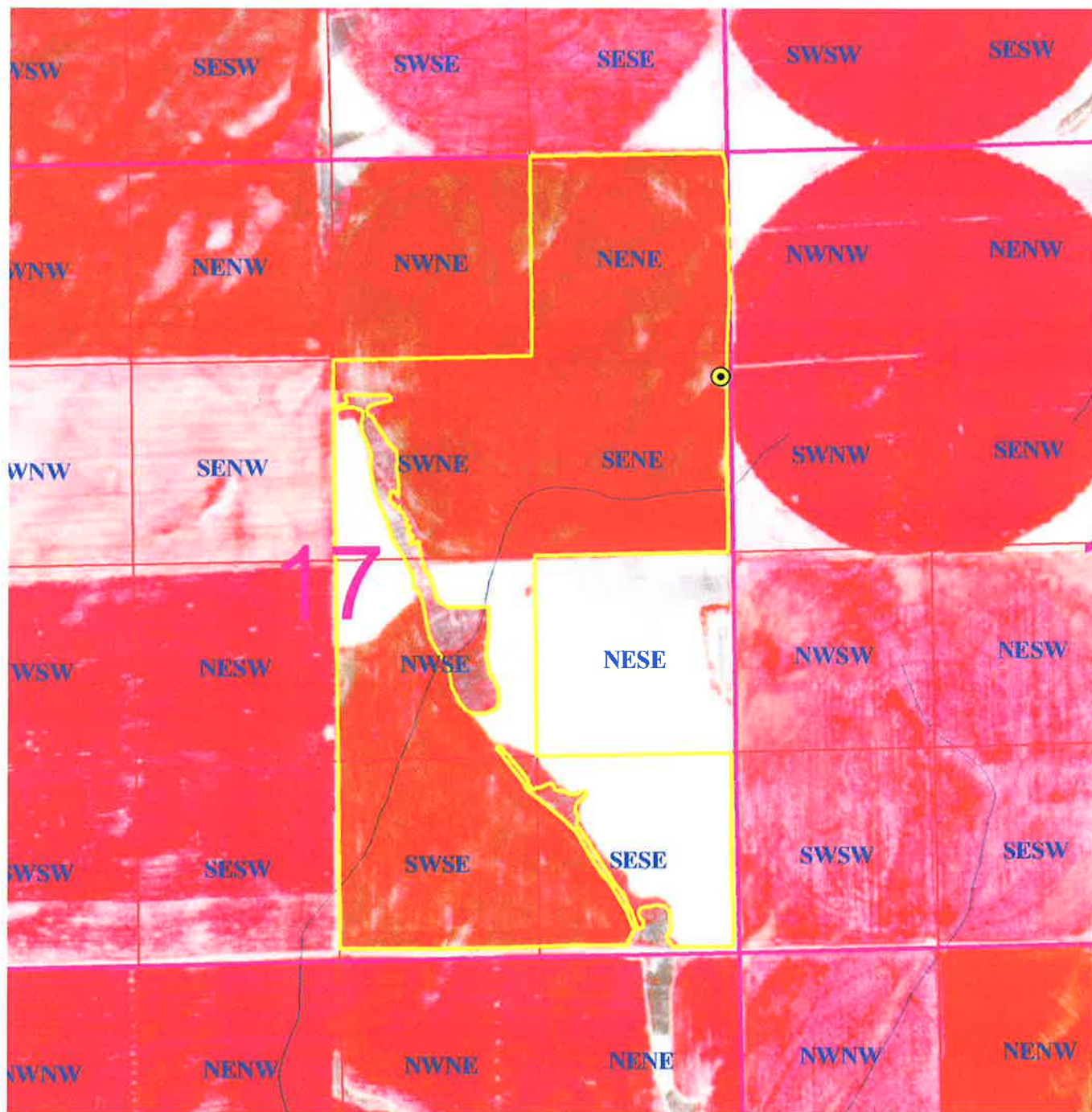
well & pump to pivot

Field Exam Date: 5-2-2005 Agent: D. W. Jones

ENLARG... of 22-2185

Water Right Claim Number 22-04194
Township , 5N40E

07/02/2001



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

03/08/2005

WATER RIGHT NO. 22-7476

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARLENCO INC
	C/O GLEN OR LANE ARNOLD
	2965 S 2000 W
	REXBURG, ID 83440
	(208)356-6677

Priority Date: 02/10/1984
 Basis: License
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	2.2 CFS	549.5 AFA
Total Diversion			2.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 17 Township 05N|Range 40E MADISON County

Licensed Diversion Capacity: 6.32

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	40E	20		NENE	37		NWNE	40						

NENW 40

NWNW 40

Total Acres: 157

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Remarks:

1. General This right uses the same well as Right 22-02185 and Statutory Claim 22-04194 and when combined with those rights shall not exceed a total combined diversion rate of 6.32 cfs nor provide more than 3.5 afa per acre for the lands above.

Dates:

Licensed Date: 05/30/1994

Decreed Date:

Permit Proof Due Date: 12/1/1990

Permit Proof Made Date: 3/28/1990

Permit Approved Date: 11/21/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/10/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

State of Idaho
Dept. of Water Resources

June 15, 2004

To Whom It May Concern:

This affidavit is to inform you that Water Right number #22-4194 was in use at least by 10/10/1960 by Arlenco Inc. as I had personally witnessed it being used.

Sincerely,

Lane Arnold

Lane Arnold

Niki Charles



RECEIVED
JUL 26 2004
Department of Water Resources
Eastern Region

SN 406

PROFILED

SCANNED

JUL 27 2004

June 2, 2004

**ARLENCO INC
3047 S 2000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4194

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 OCT 10 1960, 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.

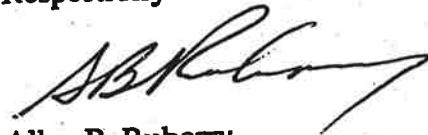
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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 22-04194

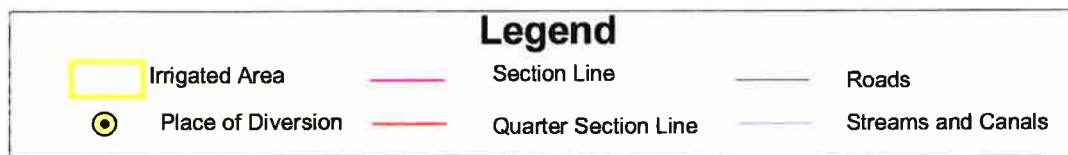
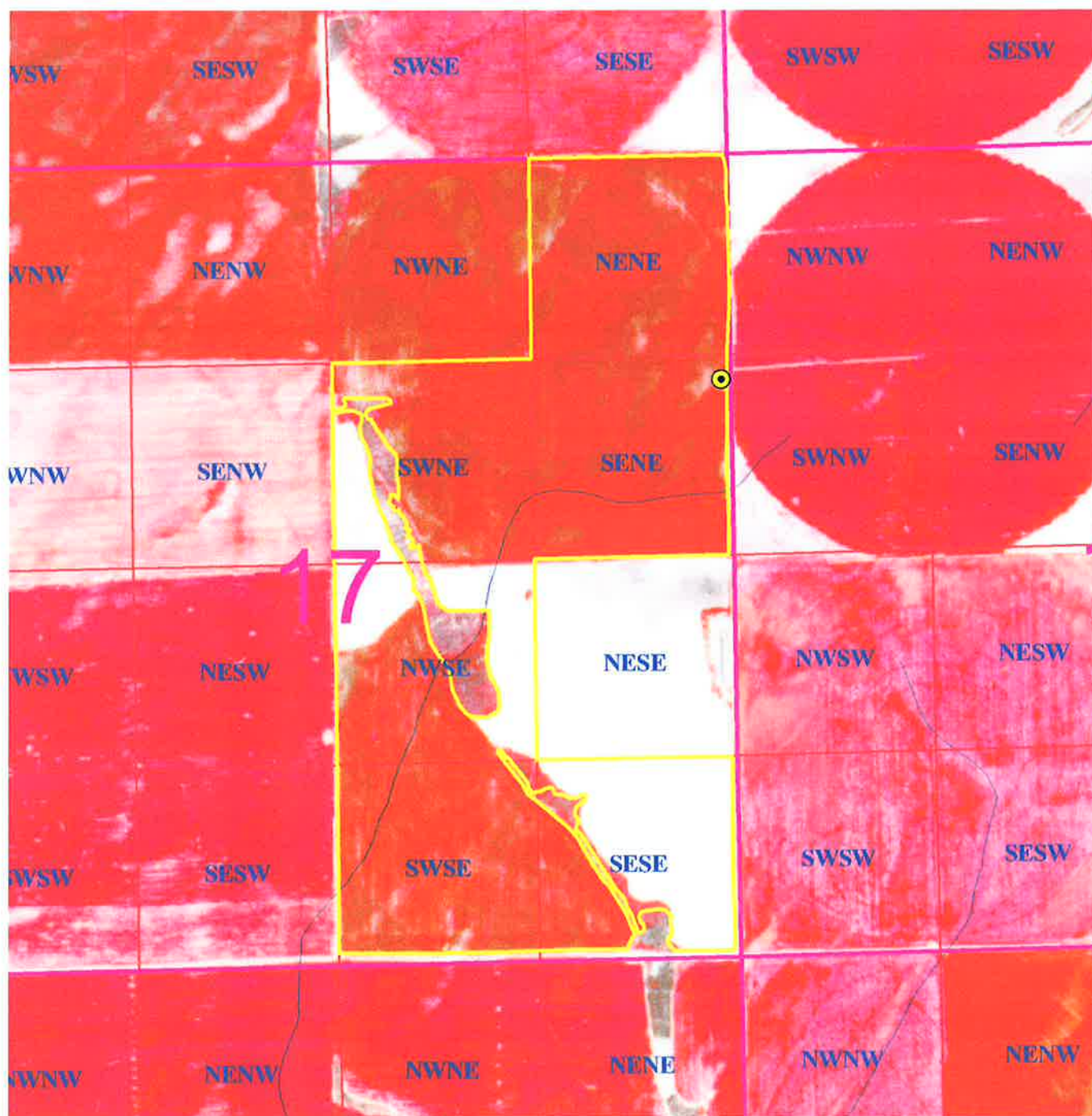
Spatial Dynamics BTD

7/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	17	NENE	1	40	Indiscernible
05n40e	17	SWNE	6	36	Indiscernible
05n40e	17	SENE	2	39	Indiscernible
05n40e	17	NWSE	5	34	Indiscernible
05n40e	17	SWSE	2	38	Indiscernible
05n40e	17	SESE	4	34	Indiscernible
Totals:			20	221	

Water Right Claim Number 22-04194
Township , 5N40E

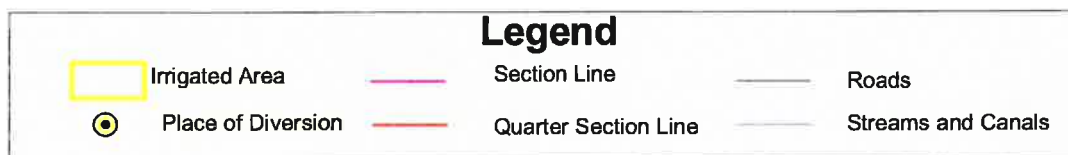
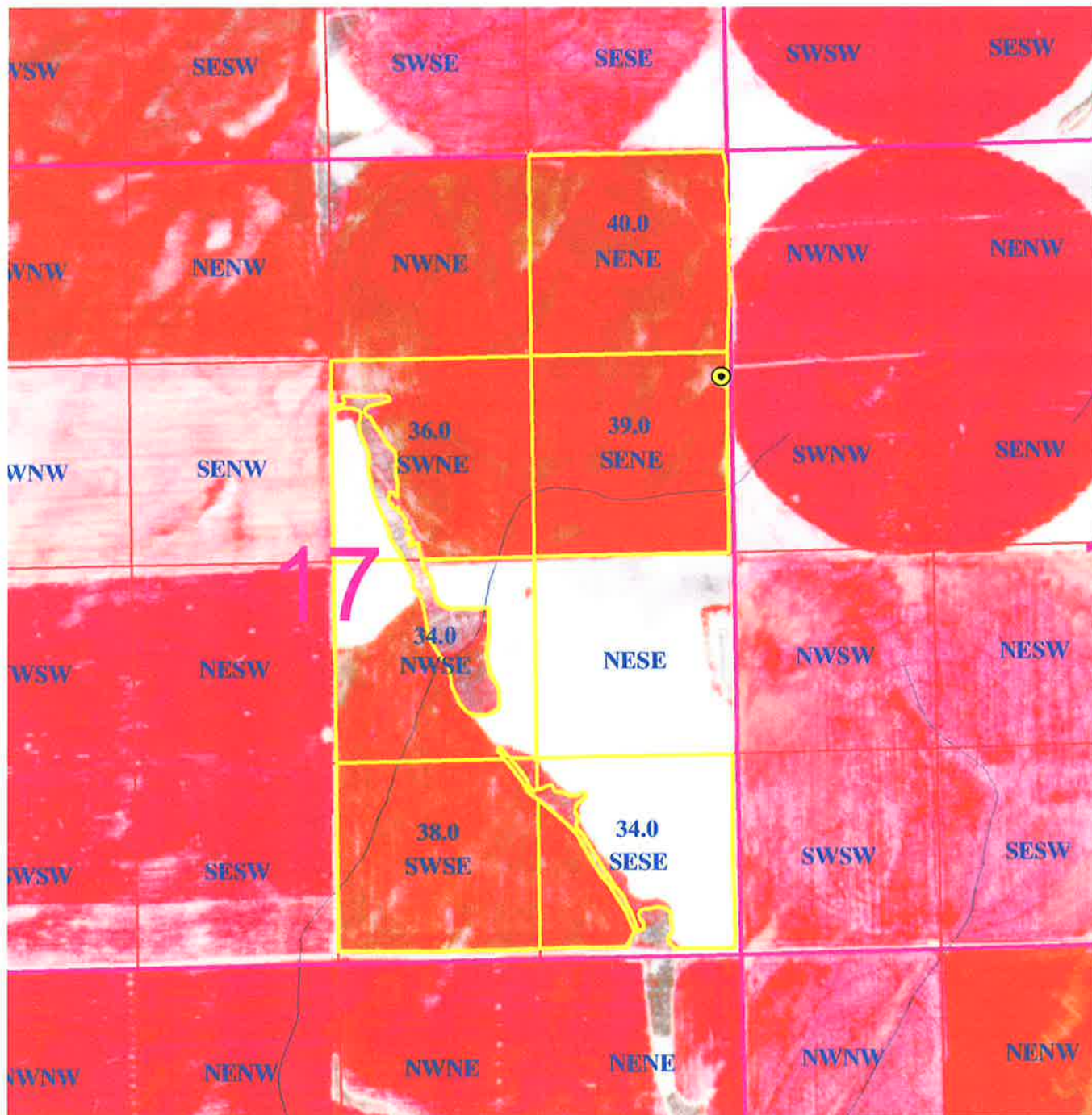
07/02/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-04194
Township , 5N40E

07/02/2001



SPATIAL
DYNAMICS

22-4194

NOTE:
The filing deadline has been extended
with a substitution for each edition:

Issue	Deadline	Fee
7/01/1983 through 30/1984	\$ 30	
7/01/1984 through 30/1985	\$100	
7/01/1985 through 30/1986	\$200	

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

(Mailing Address)

Telephone No. 356-6416

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) October 10, 1960

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

groundwater tributary to

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

(Mon. Day)

Quantity 0.33 cfs Use Irrigation Period of Use From 4-1 To 11-1

Quantity	Use	Period of Use From	To
		4-1	11-1
		Period of Use From	To

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

(4) 0.33 cfs TOTAL QUANTITY USED,
(cfs. af)

(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 17 Twp. 5N Rge. 40E B.M., County of Madison

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, motor, pump, switch panel, mainline, laterals, sprinklers
and booster pump

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 20

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: None

Applicant, by license #22-2185 (G-29079) was licensed for 4.75 cfs with priority of 10-10-1960 for 285 ac. as described in said license. The additional 0.33 cfs claimed for the 20 ac. described above is a non-additive quantity. This 20 acres and the 285 ac. in license 22-2185 are watered by 4.75 cfs.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

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: A22-04194
Date Received: 8/05/1988
Receipt No: E001099
Received By: Kcw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARLENCO, INC.
Address: 3047 SOUTH 2000 WEST
REXBURG, ID

208-356-6416

83440

2. Date of Priority: OCT 10, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	40E	17	NE	SE	NE		MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOTS AND LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.330		

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

A.F.A.

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	40E	17	NE	NE		IRR	1.0
			SW	NE		IRR	6.0
			SE	NE		IRR	2.0

A22-04194

Page 1

Date: 08/05/88

MICROFILMED

OCT 29 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	17	NW	SE		IRR	5.0
			SW	SE		IRR	2.0
			SE	SE		IRR	4.0
						Section Acres	20.0
						Total Acres	20.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
A22-02185

14. Remarks:
THIS RIGHT USED IN CONJUNCTION WITH A22-02185. THIS RIGHT ONLY
ADDS ACRES TO ORIGINAL RIGHT 22-2185 WITH NO INCREASE IN FLOW
RATE.

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 Organizations:

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

ARLenco, INC Organization, that I have signed the foregoing document in the space below as Pres of _____ Title

ARLenco, INC Organization and that the statements contained in the foregoing document are true and correct.

Shirley Arnold
Signature of Authorized Agent

Pres ARLenco INC
Title and Organization

8-5-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Aug 19 88

Colleen Wray
Notary Public

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



R40E

T5N

NE 4 NE 4 W 2 NE 4 SE 4

17-05-40

①

B

112.1

A

38.5

POINT OF DIVERSION

17.2

⑥

②

C-334
2-3

E-195
1-2

B

138

PLACE OF USE

⑤

C
99.8

D

39.4
99.8

139.2

②

④

This ground is in addition to
ground under A22-02185

C

45.1

MICROFILMED

OCT 29 1992

A22-04194

G

71.7

F

T 6 N

T 5 N

4849

47' 30"

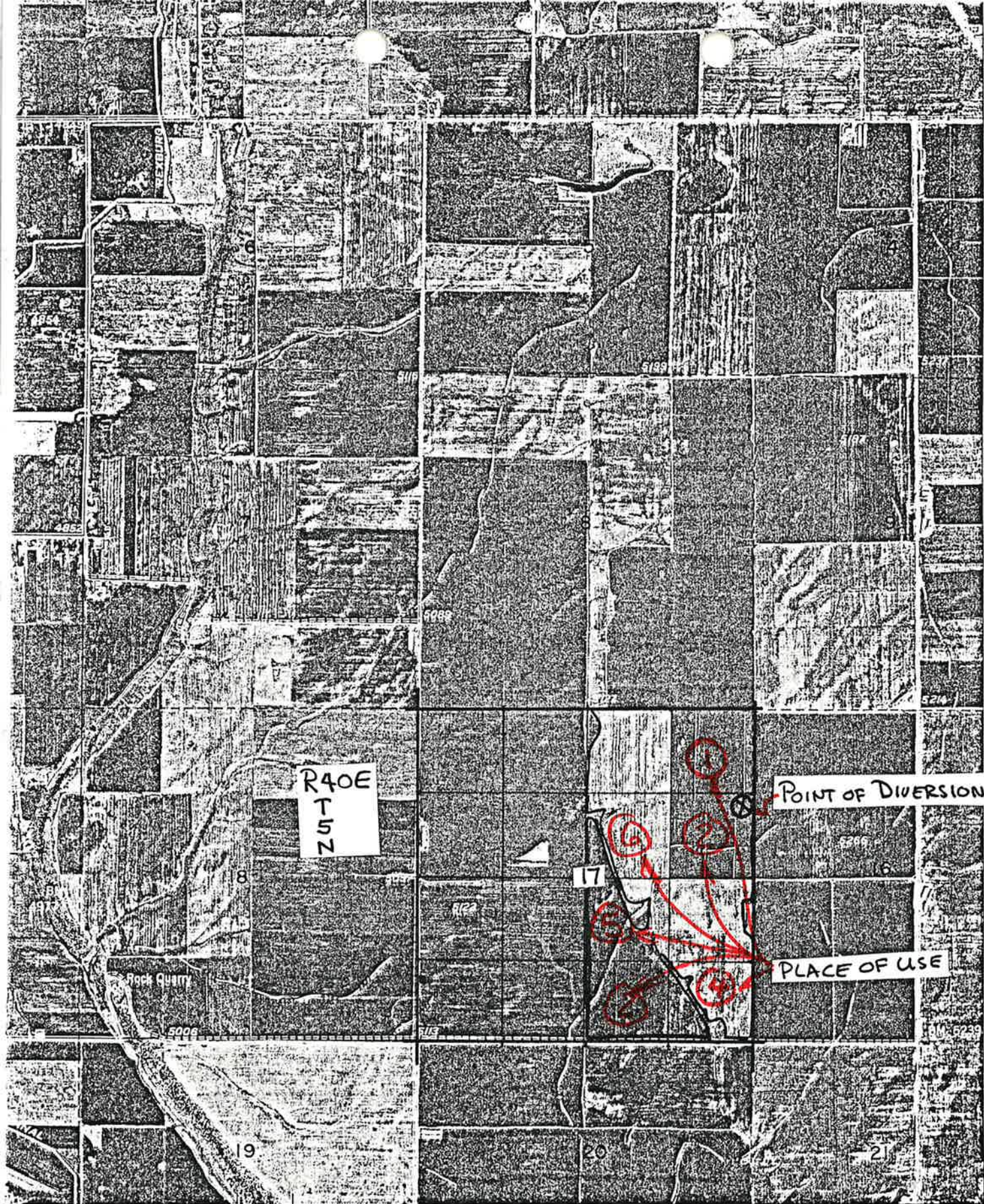
4848

4847

4846

4845000m N

43° 45'



R40E
T5N

POINT OF DIVERSION

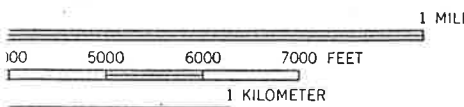
PLACE OF USE

39 E R40 E

MICROFILMED

OCT 29 1992

A 22-04194



PRINCIPAL NUMBERED HIGHWAYS

○ Interstate Route □ U. S. Route ○ State Route

This quadrangle area also covered by 1:24,000 scale topographic map