

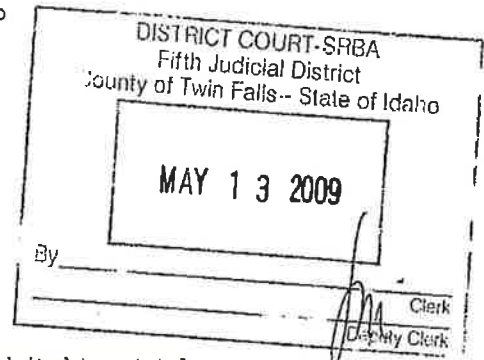
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-04195



NAME AND ADDRESS:

DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG, ID 83440

SOURCE:

MOODY CREEK TRIBUTARY: TETON RIVER

QUANTITY:

3.85 CFS

Right Nos. 22-265E, 22-4195, and 22-13479 are limited to a total
combined diversion rate of 11.85 cfs from 04/01 to 06/20 which is
reduced to 7.85 cfs from 06/21 to 10/31.

Should BE 8.00 CFS

PRIORITY DATE:

05/01/1969

POINT OF DIVERSION:

T05N R41E S21

NESENW Within Madison County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
3.85 CFS

PLACE OF USE:

Irrigation

Within Madison County

T05N R41E S16
S20

SESW 31.0
NENE 40.0
SWNE 40.0
SWNW 40.0
NESW 40.0
NESE 40.0
NENW 23.0
SWNW 36.0
NWSW 20.0

NWNE 40.0
SENE 40.0
SESW 40.0
NWSW 36.0
NWSE 40.0
NWNW 39.0
SESW 2.7

547.7 Acres Total

This right is limited to the irrigation of 192.7 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 547.7 acres in a single irrigation season.
Combined Right Nos.: 22-265E, 22-4195, and 22-13479.

Should BE SAME NOS, AS ABOVE IN E52

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. I.C. SECTION 42-1412(6).

COULD ALSO ADD THESE AS EXP: F05
K01
E01

Department of Water Resources

Eastern Region

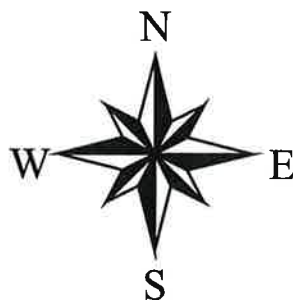


Claim No.: 22-265E, 22-4195,
& 22-13479



0 1000 2000 3000 Feet

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: April 2006

MAY 18 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 18, 2007

DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-265E, 22-4195,
22-13479 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On January 31, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Merle Jeppesen

PROFILE

SCANNED

MAY 18 2007

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

)

Water Rights: 22-265E, 22-4195,
22-13479

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐

place of use

☐ period of use

☐

nature of use

☐ split of water right

☐

change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 18, 2007

Ernest Carlson

Signature of IDWR Representative

PROFILED

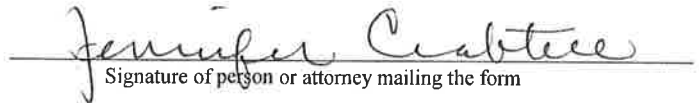
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MAY 18 2007

CERTIFICATE OF MAILING

I certify that on May 21, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Merle Jeppesen
434 Morgan Dr
Rexburg ID 83440
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
DKJ Farms LLC
665 Centennial Loop
Rexburg ID 83440
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED
MAY 18 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**JAN 31 2007**Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-265E				
	22-4195				
	22-13479				

needs
NCAP

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Merle Jeppesen & Janice Jeppesen
132 S Hidden Valley Rd. Rexburg 83440
4. New Owner/Claimant(s) DKJ Farms LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 665 Centennial Loop
- City, State and ZIP Code Rexburg ID 83440
- New Telephone Number (208) 356-7433
5. Date you acquired the property 12-29-2000

SCANNED**MAY 18 2007**

6. 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	_____	_____

7. Signature of New Owner(s) or Claimant(s) DKJ Farms LLC
(include title if applicable) by Dawn Jappox President

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

MAY 18 2007

GRANT DEED

THIS INDENTURE is made effective this 29 day of December, 2000, by **K. MERLE JEPPESEN (aka Merle Jeppesen)** and **JANICE V. JEPPESEN (aka Janice Vina Jeppesen)**, husband and wife, of 434 Morgan Drive, Rexburg, ID 83440, the "Grantor," and **DKJ FARMS, LLC**, an Idaho limited liability company with its principal place of business located at 434 Morgan Drive, Rexburg, ID 83440, the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, in and to following described property located in Madison County, State of Idaho, to-wit:

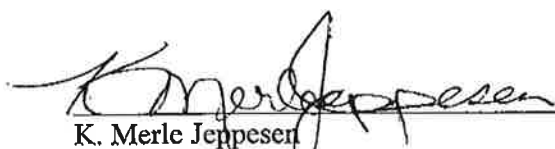
See real estate description attached hereto as "Exhibit A"

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this within instrument the day and year first above written.

GRANTOR


K. Merle Jeppesen


Janice V. Jeppesen

Instrument # 287052

RREXBURG, MADISON, IDAHO

22000-12-29

03:22:00 No. of Pages: 3

Recorded for : RIGBY THATCHER

MARILYN R. RASMUSSEN

Fee: 9.00

EEEx-Officio Recorder Deputy

SCANNED

MAY 18 2007

STATE OF IDAHO)
 ss.
County of Madison)

On this 29 day of December, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared K. MERLE JEPPESEN and JANICE V. JEPPESEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



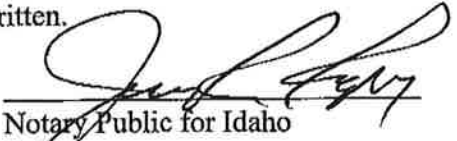

Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 11-09-05

EXHIBIT A

TOWNSHIP 5 NORTH, RANGE 41 EAST BOISE MERIDIAN, MADISON COUNTY,
IDAHO

SECTION 16:

GRANTOR'S UNDIVIDED $\frac{1}{2}$ INTEREST IN SE1/4SW1/4;

SECTION 20:

NW1/4NE1/4; & S1/2NE1/4;

ALSO: GRANTOR'S UNDIVIDED $\frac{1}{2}$ INTEREST IN NW1/4SW1/4 & NW1/4 SE1/4;

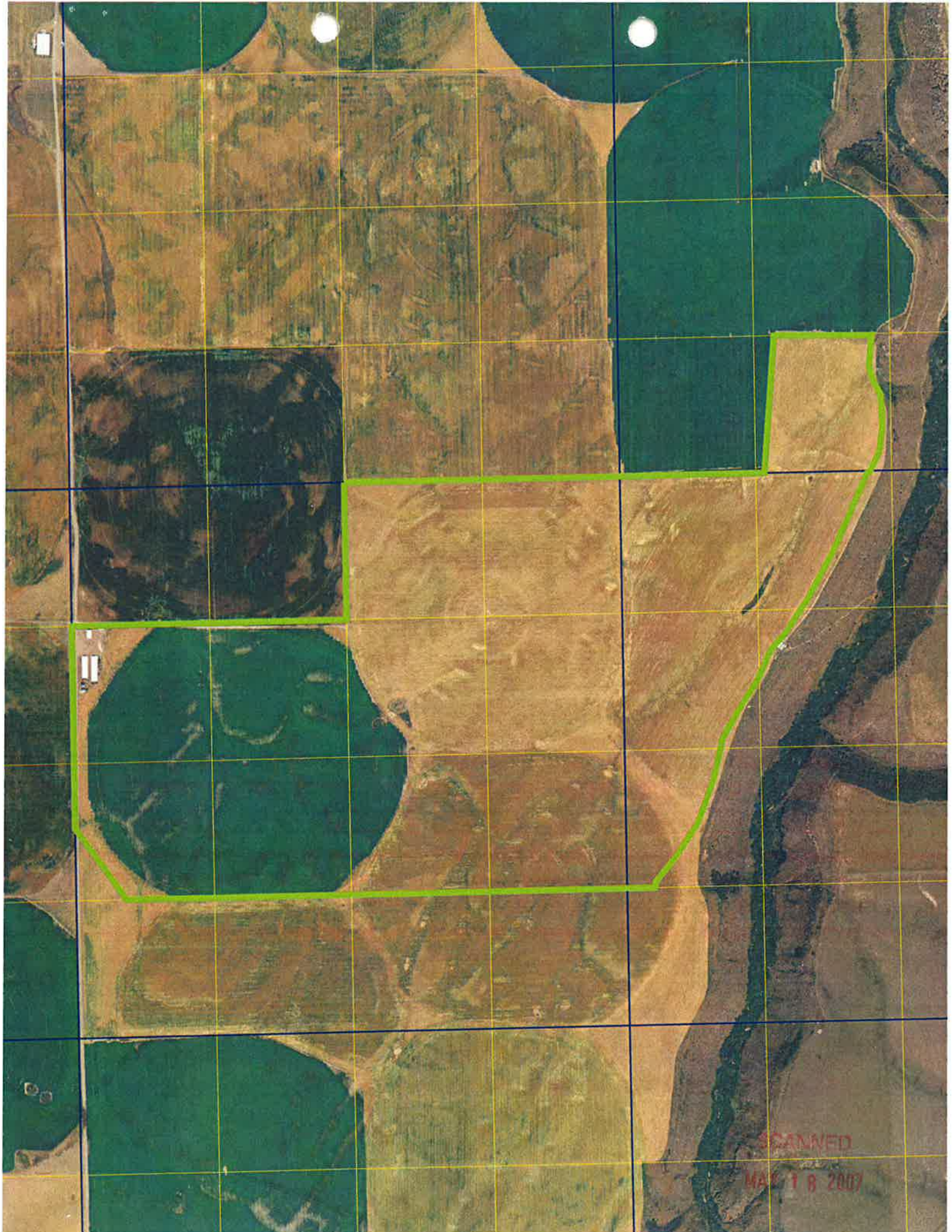
ALSO: S1/2NW1/4 Less the following: Beginning at the NW corner of the SW1/4NW1/4 and running thence South 500 feet along the section line, thence East 225 feet, thence North 500 feet and thence West 225 feet to the point of beginning;

SECTION 21:

W1/2NW1/4;

ALSO: GRANTOR'S UNDIVIDED $\frac{1}{3}$ INTEREST IN NE1/4NW1/4; SE1/4NW1/4; &
NW1/4SW1/4;

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MAY 18 2007



SCANNED
MAY 18 2007

November 3, 2006

DALLAN JEPPESEN
K MERLE JEPPESEN
132 S HIDDEN VALLEY RD
REXBURG ID 83440-3573

RE: CHANGE OF ADDRESS FOR 22-265E, 22-265D, 22-4195,
22-7091, 22-7115, 22-13454, AND 22-13479

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

DALLAN JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

PROFILED

SCANNED

MAY 18 2007

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

SCANNED

NOV 17 2006

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Idaho Department of Water Resources
ATTN: Trent Galbraith
900 N Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED
MAY 03 2006

Department of Water Resources
Eastern Region

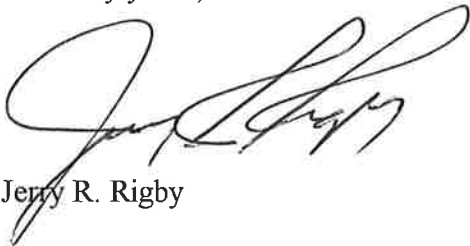
May 2, 2006

RE: Water Right Numbers: 22-7528, 22-7683, 22-265D, 22-265E, 22-2299A, 22-2299B, 22-4195, 22-7091, 22-7115, 22-13454, 22-13479, and 22-7195.

Dear Trent,

Please take notice that this firm represents BMJ Farms LLC, owned by Bevan Jeppesen, and DKJ Farms LLC, owned by Dallan Jeppesen, in the above entitled water rights. Please see that we are included in all future mailings and matters.

Sincerely yours,



Jerry R. Rigby

Adj #1's
updated 5/4/06
Kmj

SCANNED

MAY 18 2007

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED


**NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD**

DANIEL JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

JEPP434 * 834402004 1206 10 10/02/06
132 B HIDDEN VALLEY RD
REXBURG ID 83440-3573
FORM 3547

U.S. POSTAGE
\$01.350 SEP 29 2006
PB3523
834

SCANNED
MAY 18 2007

22-205E
26SD
4195
7091
7115
13454
13479

Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

4-5-06

Decreed right 22-265E is for 200 ac. with 8 cfs until June 2016 of each year, when it is cut in half.

22-4195 is a beneficial use right. The claimed priority date of 1965 is not supported. The affidavit by Merle Jensen states that he continued to increase the farm to 400 acres until 1969, which suggests that the acres claimed were not all being irrigated in 1965. In 1980, the claimant enlarged the acreage by adding 155 acres claimed in 22-13479. Affidavits support claimed priority date.

Because 22-265E has two diversion rates, all rights are limited to the maximum diversion rates of the combined rates = 11.85 cfs.

KM

SCANNED

MAY 18 2007

- 2-22-06 Priority date changed to 1480 based on evidence submitted in Mr. Jeppens Affidavit. This makes it an enlargement

SCANNED

MAY 18 2007

Ruberry, Allen

From: Carlsen, Ernie
Sent: Tuesday, January 03, 2006 8:37 AM
To: Ruberry, Allen; Moore, Kristin
Subject: FW: Moody Creek Diversions

Allen and Kristin:

I am forwarding a letter prepared by Gary Spackman which addresses the entitlement of Merle Jeppesen to divert water from Moody Creek. Please make sure the recommendations for Merle Jeppesen are consistent with the findings expressed in Gary's letter.
Ernie

-----Original Message-----

From: Spackman, Gary
Sent: Monday, January 02, 2006 1:24 PM
To: Madsen, Ryan
Cc: Swank, Lyle; Carlsen, Ernie
Subject: Moody Creek Diversions

Ryan,

I am trying to complete a letter to some of the people concerned about diversions of water from Moody Creek, trib. to the Teton River. Attached is a draft that discusses some of the history of Jeppesen's diversion and the monitoring that has occurred.

You sent me a summary of 2005 diversion data for the Jeppesen Moody Creek diversion. The information you sent me shows daily flow rates (I assume 24 hour second feet) beginning on June 15, 2005. The flow rates vary, but sometimes are as high as 4.0 cfs, which is the maximum allowable under the Jeppesen transfers after June 20. How were these flow rates determined? The info in the files discusses a malfunctioning Grainland meter, and states that the right will be regulated by using a power consumption coefficient. If there is not a functioning, calibrated meter installed, how are the daily flow rates determined?

Perhaps you have some other suggestions about the text I have written. Please review it if you'd like.
Gary Spackman



Jeppsen.xls



Moody Creek
letter.doc

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MAY 18 2007

Jeppsen, Bevan and Dalan

Date	April	May	June	July	August	September	October
1				2.8	1.3	1.2	
2				2.8	1.9		
3				2.8	1.1	0.5	
4				2.8	1.9	0.5	
5				2.8	1.9	1.6	
6				2.8	0.7		
7				2.8	1.9		
8				2.8	1.6		
9				2.8	1.6		
10				2.8	0.8		
11				2.8	0.3		
12				2.8	1.3		
13				2.8	0.5		
14				2.8	0.9		
15			1.2	2.8	1.6		
16			2.6	2.8	1.0	0.8	
17			2.6	2.8		1.6	
18			3.3	2.8		1.6	
19			4.0	2.8		1.1	
20			4.0	2.8			
21			4.0	2.8			
22			3.5	2.8			
23			1.7	2.8	1.6		
24			4.0	2.8	1.6		
25			4.0	2.8	1.0		
26			2.6	1.5			
27			3.9	1.3	1.0		
28			4.0	2.0	1.6	1.6	
29			4.0	2.0	0.6	0.8	
30			4.0	2.0	0.8		
31				2.0	1.6		
Total			53.4	80.4	29.9	11.1	

Flow Rate
PCC
7/19/2005

2.72 cfs for single pump
1.65 KWH/ hr pumping

24 hr cfs AF
174.8 346.8

SCANNED

MAY 18 2007

Dear Friends of Moody Creek:

On March 31, 2005, George Brown an owner of land along Moody Creek in Madison County, Idaho, wrote a letter to the Idaho Department of Water Resources (IDWR). The letter alleged excessive diversion by Merle Jeppesen from Moody Creek. On September 7, 2005, several persons, holding themselves out as "Friends of Moody Creek," sent a letter to Dave Tuthill, an administrator for IDWR. George Brown was one of the signatories of the letter. The September 7, 2005 letter also alleged excessive diversion of Moody Creek water by Merle Jeppesen. This letter is a response to both letters.

Private Rfs and
Conceal Shanoz (2008)
3/15/1981
22-594

Water right no. 22-265 was decreed in 1910 in the case of *Rexburg Irrigation Co. v. Teton Irrigation Co.* The right allowed diversion from Moody Creek of 9.6 cfs from April 1 to June 20, and 4.8 cfs from June 21 to November 1 for the irrigation of _____ acres. Two transfers have been approved allowing diversion of water from Moody Creek by Merle Jeppesen. The transfers and other filings will be discussed below: *SEE SPLIT HISTORY*

Transfer no. 2034

The records of the department show that a portion of water right no. 22-265 was transferred in 1977 to 85 acres of land owned by Merle & Janice Jeppesen. The following is background information related to the application for transfer. At the time the application for transfer was filed, Merle and Janice Jeppesen submitted a copy of an agreement between Merle & Keith Jeppesen and Dean Graham as authority to change the place of use of water right no. 22-265. In the agreement, Dean Graham, as owner of all or a part of water right no. 22-265, agreed to allow Merle & Keith Jeppesen to use 140 inches (2.8 cfs) of water right 22-265 in exchange for use of other water rights held by Merle & Keith Jeppesen. The application for transfer sought to transfer 4.0 cfs from 4/1 to 6/20 and 2.0 cfs from 6/21 to 11/1 to a new point of diversions and place of use.

The approved transfer authorized an upstream change in the point of diversion on Moody Creek and implicitly recognized the 4.0/2.0 cfs flow rates sought. The relationship between the 2.8 cfs in the agreement and the quantities sought to be transferred was not addressed. The original transfer approval should have limited the diversion to not exceed 2.8 cfs.

The transfer approval required installation of a measuring device approved by IDWR and limited the irrigation to 85 acres. The transfer did not impose a volume limitation. Nonetheless, the transfer as proposed stated that the 85 acres would be rotated within a 320 acre place of use.

Unnumbered Application for Transfer

In 1980, Merle and/or Janice Jeppesen filed another application for transfer, attempting to enlarge the place of use for portions of water right no. 22-265. The application was denied in 1983.

Application for Transfer no. 3002

SCANNED

MAY 18 2007

In 1984, Jeppesens filed another application for transfer, numbered 3002. The application proposed diversion of an additional portion of water right 22-265. The application sought approval of the diversion of 4.0/2.0 cfs for the irrigation of an additional 115 acres. A deed from the Dean Graham Estate was submitted as proof of authority to file the application for transfer. The deed and the application for transfer cross-referenced the earlier agreement allowing use under the first transfer.

The application for transfer was approved. Irrigation with the portion of water right no. 22-265 transferred was limited to 115 acres. Annual volume diverted was limited to 288 acre-feet. The water right holder was required to install a totalizing meter and lockable controlling works. The file contains computations about the historical beneficial use of water that determined 2.5 acre-feet per acre as the annual diversion volume that should be allowed by the transfer.

Interpretation of the Transfers

In reviewing the file, there is some uncertainty about whether the second transfer was intended to include an additional 4.0/2.0 cfs, or whether the transfer sought to irrigate more lands with the previous flow rate transferred. In the past, IDWR has interpreted each transfer as having moved fully independent portions of water right no. 22-265. Based on IDWR's past interpretations, Jeppesens have the authority to divert up to 8.0 from April 1 to June 20 and 4.0 from June 20 to November 1 under the two transferred portions of water right no. 22-265. — *Jeppesen: Part E (Combined Parts B AND D).*

Claim No. 22-4195

Claim no. 22-4195, filed by K. Merle Jeppesen, asserts the perfection of a water right by beneficial use of water diverted from Moody Creek. The claim asserts the right to divert 4.0 cfs of water from Moody Creek for the irrigation of 530 acres. Merle Jeppesen asserts that the water was beneficially used as claimed on July 15, 1965.

Jeppesen has asserted the perfection of a water right by filing Snake River Basin Adjudication (SRBA) Claim no. 22-4195. SRBA Claim no. 22-4195 has not been decreed by the SRBA Court.

As long as Claim no. 22-4195 is a claimed beneficial use, it will be one of the first water rights shut off by the watermaster during regulation.

Subsequent Activities

Following the approval of the above discussed transfers and filing of a claim for an additional water right, controversy about Jeppesen's diversion has stirred for almost two decades. A Notice of Violation was issued to Jeppesens for illegal use of water. In the settlement of the violation, the requirement for installation of adequate measuring devices was reiterated. In addition, adjudication claims for the Woodmansee – Johnson Canal Company were discussed. A comparison of the Woodmansee – Johnson claims and their located points of diversion revealed

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MAY 18 2007

that, although the Jeppesen property may receive additional waters from Woodmansee – Johnson, Jeppesen continues to maintain his own point of diversion from Moody Creek.

An August 18, 2003 memo written by a Ron Carlson, Watermaster for Water District 01, states that Jeppesens' installed a Grainland meter and a data logger, but it was unreliable. The memo states that the flow meter would not read accurately, and that the Jeppesens attempted to recalibrate the meter multiple times. The memo also states that Water District 01 staff derived a power consumption coefficient for the pump. In the last paragraph of the memo, Ron Carlson states:

Because the transfer conditions are so confusing regulating more than the rate of diversion is difficult, even though (sic) there appears to be both a volume limit and an acreage limit on the transfer. Since the right Jeppesen has is the oldest water right in Water District 1, the right will never be cut, based strictly on priority. It appears that the authorized rate of diversion will never be exceeded by the Jeppesen pumps.

Both transfers approved for Jeppesen's diversion require strictly limit flow rate and acreage irrigated. Transfer no. 3002 strictly limits the annual volume. The strict limitations must be enforced for two reasons. First, the two approved transfers allow irrigation of 200 acres within a larger 320 acre parcel. Second, water diverted from Moody Creek is commingled with water delivered from the Woodmansee -Johnson Ditch to irrigate more than 200 acres. As a result of the commingling, the use of water by Jeppesens cannot be solely regulated by counting the acres irrigated every year. As a result, the 2.5 acre-feet per acre annual volume restriction limits Jeppesens diversion from Moody Creek to no more than the historical use of water..

Again, because of the commingling of water, Jeppesen's diversion or water should be regulated both by flow rate and total volume diverted. Jeppesens are entitled to divert the full flow rate of 8.0 cfs from April 1 to June 20, and 4.0 cfs from June 21 to November 1. The total diversion from Jeppesens' point of diversion should be limited to 500 acre-feet annually (applying the volumetric limitation of 2.5 acre-feet per acre). The 500 acre-feet should be measured accurately. The annual volume pumped should be measured with either a reliable meter or by a power consumption coefficient that can be applied to Jeppesens' diversion.

In 2005, Ryan Madsen, deputy watermaster for Water District 01, regulated the Jeppesen diversion. Attached are notes about Madsen's regulation. Both flow rate and total volume were monitored. The highest flow rate diverted by Jeppsens was 4.0 cfs. The total volume of water diverted during the 2005 irrigation season was 346.9 acre-feet.

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MAY 18 2007

Ruberry, Allen

From: Ruberry, Allen
Sent: Tuesday, December 13, 2005 2:19 PM
To: Rigby, Jerry (IWRB Member)
Subject: 22-4195

Jerry, I have in the files a letter from you dated June 7, 2004, and a note from Harold Jones dated 9-28-05, both indicating you have or are working on evidence of priority for the above referenced claim. The claim is for K.M. Jeppesen and is associated with 22-265E, claiming a 1965 priority date from Moody Creek.

I am recommending the 22-265E today and disallowing the 22-4195 for lack of evidence.

for your information.....al

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MAY 18 2007

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Saturday, December 31, 2005 12:08 PM
To: Al Ruberry
Subject: Emailing: DOC011.PDF



DOC011.PDF

Al,
Attached please find a draft of an enlargement claim for the Jeppesens. The affidavits are intended to be the proof for 22-4195 as well as the enlargement of 155 acres back in 1980.
In other words, the claim 4195 actually was originally developed from 65-69 in the amount of 400 acres. Then in 1980 the right, together with the other existing rights were enlarged up to the 555 acres.
Please review and let me know what changes or additions I will need to make to get this filed correctly.

Thanks

Jerry

The message is ready to be sent with the following file or link attachments:

DOC011.PDF

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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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

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

ENLARGEMENT
CLAIM

Please type or print clearly

1. Name of Claimant (s) K MERLE JENSEN Phone (208) 336-3638

Mailing Address 434 MORGAN DR. REXBURG ID Zip 83440

2. Date of Priority (Only one (1) per claim) 5-1-1980

3. Source of water supply (a) MOODY CREEK
which is tributary to (b) TETON RIVER

4. a. Location of existing point of diversion is: Township 5N Range 41E Section 21,
SE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of MADISON

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. _____

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 4000 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4000 (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	
05N	41E	20							35	40	40	40							155

Total number of acres irrigated 155

11. In which county (ies) are lands listed above as place of use located? MADISON

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

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. _____ or None ()

14. Remarks:

THIS IS AN ENLARGEMENT RIGHT OF RIGHT NO. 22-01195
& NO. 22-0265E

Last Name _____ Ident No. _____

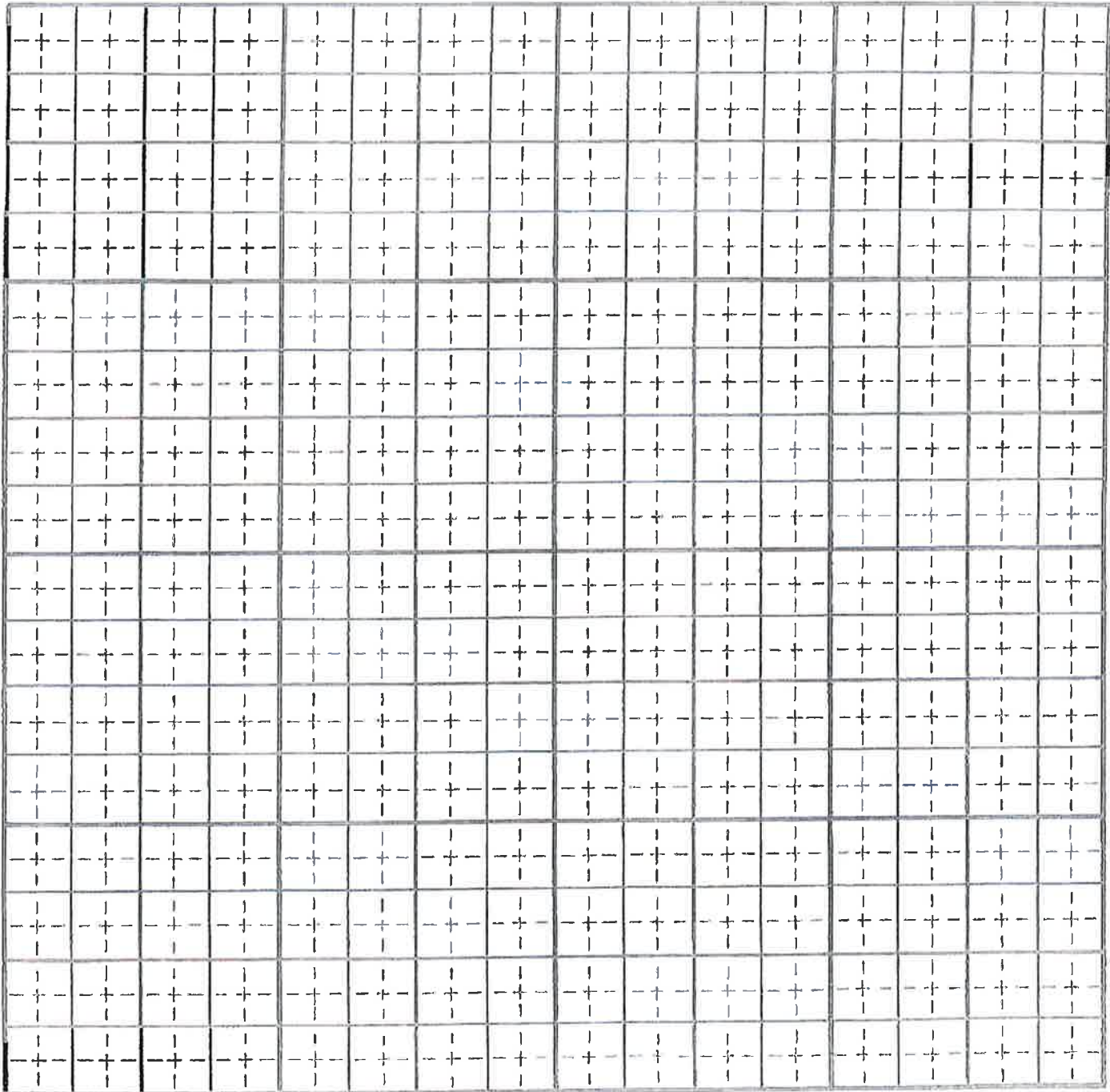
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE MAP



Last Name _____ Ident No. _____

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15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) *K. M. [Signature]* Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 30th day of DECEMBER, 192005



Notary Public *Jerry R. Rigby*

Residing at REXBURG

My Commission Expires 11-09-11

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, JERRY R. RIGBY 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 *Jerry R. Rigby*

Address PO Box 250, REXBURG, ID 83440

Date 12-30-05

Last Name _____ Ident. Number _____

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MAY 18 2007

Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA	)	Subcase: 22-04195
	)	
Case No. 39576	)	AFFIDAVIT OF K. MERLE JEPPESEN
	)	
STATE OF IDAHO	)	
	ss.	
County of Madison	)	

K. Merle Jeppesen, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 434 Morgan Dr.,
Rexburg, ID 83440.
2. I was a farmer by profession and until recently was the principal owner in the
555 acres of lands described in water right claim No. 22-4195 (hereinafter "Lands"). I have
personally worked on the Lands since before 1965, the original priority date claimed by me, as
the Claimant.

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3. Because I personally developed the additional water on the Lands, I am keenly and personally aware that beginning in 1965 my father began plans to develop the Lands described in the water right claim No. 22-4195 (hereinafter "Claim").

4. Beginning in 1966, I installed new mainline and new pumps and began to pump the waters required to irrigate approximately 150 acres of the Lands. I then continued to develop the Lands up to 1969, installing additional portable mainline to irrigate approximately 400 acres of the Lands (see attached map evidencing irrigation in 1969). I pumped the additional 4 cfs described in the Claim during the entire irrigation season as opposed to only a partial season as allowed by my other rights. I also irrigated the entire 400 acres each season, as opposed to only a portion thereof as allowed by my other rights.

5. I continued to applied the additional 4 cfs to the 400 acres of the Lands up to the year 1980, when I extended my mainline and began irrigating the entire 555 acres of the Lands as opposed to only limited acres rotated within the 555 acres. The only limitation to my use of the claimed 4 cfs is the flows of Moody Creek itself in times of drought. I know for a fact that the enlargement took place in 1980 as I have copies of my ledgers and calendars for that year (see attached copies of my ledgers). I have continued to water the entire 555 acres using all licenses, decrees and the Claim's 4 cfs since 1980.

6. The 4 cfs of water from the Claim has since 1966 been beneficially applied to the Lands within the Claim.

7. All present uses described in the Claim were instituted prior to 1987.

Dated this 30th day of December, 2005.


K. Merle Jeppesen

SUBSCRIBED AND SWORN to before me this 30th day of December, 2005.




Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-09-11

7201
SC 3110
7201
7201

25105
NH 7172
NH 13260
76123

DA
DD
EERING
664
7-43
644
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00A
00B
NAME ETC.
66624
53243
53244
59155
59156
59221
59222
4480
4481
45445

AC

$-\frac{1}{2}$ in Deller
 $\frac{1}{2}$ DKB Taverns LLC

1/3 - Baker

 $\frac{1}{3} - \text{DKI}$

$\frac{1}{3}$ Beaver, $\frac{1}{3}$ Gravel, $\frac{1}{3}$ clay, sand & c.

- BING FARMS LLC

14C

2481
WILSON, MARY-ELLEN
180522
275994

1/2 C. Turn
1/2 C. Turn

2-5/10/2006
1/2 Duller
1/2 Duller

9/17/73
Dallas, Ben & Michelle*

411730
306601
POMES.
FARMER L.L.

211759
Bentley, J. H. 1917
1917-1918


 Day & Zimmermann
 204040
 223533
 240673
 251192
 251193
 293085

* Need a religion as to further nothing...
 together...
 The Red Cross No 93...
 Dablan...
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	DATE 19__	KIND OF PROPERTY	DATE ACQUIRED	COST	DEPRECIATION IN ALL PRIOR YEARS	REMAINING COST TO BE RECOVERED	ESTIMATED TOTAL LIFE	ESTIMATED REMAINING LIFE	DEPR ALI TH
1	Feb 24	1976 GMC PICK UP.	Feb 24	2678 ⁰⁰					
2	" "	TRUCK 1966 TRACTOR		5000 ⁰⁰					
3	23	CAP MANUFACTURING humidifier seller		824 ⁰⁰					
4	12/25	VALENTIN 34000 ERNEST many for farm							
5	May 25	Johnson Communities 438 ⁰⁰		2538 ⁰⁰					
6	May 4	Reckwelding 6-82		1135 ⁰⁰					
7	" 11	DAVIS Machinery Sled piler		800 ⁰⁰					
8	Sep 7	TRUCK 4000 TI 10 1/2		3949 ⁰⁰					
9	" 7	3 76 GMC TRUCKS ERICKSON Port.		22709 ⁵²					
10				785 ⁰⁰					
11	3/10/77	Piles		542 ⁸⁵					1/4
12	3/14	BIKE		612 ⁰⁰					
13	5/20	POTATO PLANTER		1250 ⁰⁰					
14	7-13	John Deere Grain Combine 6600		5500 ⁰⁰	2-7/10				
15	8-6	Winder 500 ⁰⁰							
16	78								
17	April 11	75 INTERNATIONAL TRUCK		2546 ⁶¹					
18	4 25	INTERNATIONAL TRACTOR		8820 ⁰⁰					
19	79								
20	Sep 3	1975 FORD TRUCK		2875 ⁰⁰					
21	Oct 24	POTATO BED		1133 ⁰⁰					
22	May	Truck Bed used 2 day wrecked 1		3260 ⁰⁰					
23				2170 ⁰⁰					
24	5/1	Suburban		11600 ⁰⁰					
25		TRUCK BED SELF UNLOADING		3050 ⁰⁰					
26		Various MACHINERY 2 ELECTRIC MOTORS		2400 ⁰⁰					
27		500 HP 3K6277 A/H/A 315212150 20 HP 5K 778 A/H/A D25 423124							
28	May 81	1460 GRAIN COMBINE 34000		49500 ⁰⁰					
29	May	51 PICKUP.		10403 ⁰⁰					
30	May 10	Logan MANHATTAN		8820 ⁰⁰					

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MAY 18 2017

APRIL 1980

21 Patriot's Day (Ma., Me.)

MONDAY

Spread wheat $1\frac{1}{2}$ 42 units.
2 65 units

Austin 7 hrs
plowing

Drill Early #17 on drill

22

TUESDAY

Austin $2\frac{1}{2}$

23

WEDNESDAY

Austin $8\frac{1}{2}$
Mel 11

2 inch rain

APRIL 1980

THURSDAY

24

cover trench
Bury Wire Don Blumek

rain

FRIDAY

25

rain

SATURDAY

26

Mel $6\frac{1}{2}$ planter
weeder

Mr Richards 124 7109 water
Reservoir

SUNDAY

27

Came to see me

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MAY 18 2007

MAY 1980

MAY-JUNE 1980

CUT HERE

26 Memorial Day

MONDAY

THURSDAY

29

Bury wire in circle
Gave $\frac{1}{2}$
Flower $\frac{1}{2}$

27 Gave 1 DAY TUESDAY

Burn 1 DAY

FRIDAY

30

TAKE Bowles into
Bob Lee

.25" rain

RAIN
AUTUMN
R.B.

4.45" RAIN

MONTH OF MAY

24 days

28

WEDNESDAY

SATURDAY

.55" RAIN 31

STAKE WIRE -
the circle

RAY seed later

3700"

BELAN 1 day

SUNDAY

1

.1" baron $\frac{1}{2}$

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MAY 18 2007

Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA) Subcase: 22-04195
Case No. 39576) **AFFIDAVIT OF BYRON WEBSTER**
_____))

STATE OF IDAHO)
ss.
County of Madison)

Byron Webster, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 5390 S 3600 East, Rexburg, ID 83440.
2. I am a farmer by profession and am the principal owner of Byron Webster, Inc., which together with my wife and I, owns and operates irrigated agriculture lands on the Rexburg Bench. I have personally worked on my property since before 1965, the priority date claimed by the Merle Jeppesen, the Claimant in the above described water right.

3. Because of my personal relationship with Claimant's brother, Dale Jeppesen, back in the 1960s, I am keenly and personally aware that in the mid 1960's, K. Merle Jeppesen installed mainline and new pumps to pump the water described in the above entitled claim during the entire irrigation season. I would be with and help Dale Jeppesen refuel the Diesel engines which powered the pumps to lift the water from Moody Creek up onto Claimant's lands. Although I am not personally aware of the exact acres watered, I have no reason to dispute the amount of acreage claimed by Claimant in his claim.

Dated this ____ day of December, 2005.

Byron Webster

SUBSCRIBED AND SWORN to before me this _____ day of December, 2005.

Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires:

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

RECEIVED

JUN 09 2004

Department of Water Resources
Eastern Region

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com

June 7, 2004

Department of Water Resources
Attn: Al Ruberry
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

**Re: Water Right Claims 22-265 & 4195
K. Merle Jeppesen**

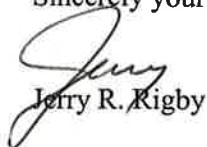
Dear Al:

This firm represents K. Merle Jeppesen and Janice Jeppesen who own water right nos. 22-265 and 22-4195 in the Moody Creek drainage area. They recently received a letter from you, dated May 20, 2004 and June 2, 2004, respectively, asking for a priority date verification of their claim.

I don't quite understand why there is an issue on 22-265 as the right comes from the Rexburg Decree, as originally decreed to Martin Garn on December 16, 1910, and your own records evidence the decreed rights under both my client's names. Perhaps it is because the right has been separated into three different suffix rights: B for K. Merle and D for K. Merle. As to 22-4195, we do have the information you required.

At any rate, I would be happy to discuss this with you further if you would please give me a call. Furthermore, because of the vast history of the Moody Creek water rights and the past transfers, I would appreciate it if I could come to your office and discuss this whole matter, including water rights held by my client in Woodmansee Johnson Canal Company. I would also bring any evidence you might require to show proof of the decreed water right ownership by K. Merle and Janice Jeppesen. Please contact me at your earliest convenience.

Sincerely yours,


Jerry R. Rigby

JRR:jt

cc: K. Merle Jeppesen
F:\WP6\SB\JEPPSEM.LTR

SCANNED

MAY 18 2007

June 2, 2004

**MERLE K JEPPESEN
434 MORGAN DRIVE
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4195

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 JUL 15 1965, from MOODY CREEK.

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.

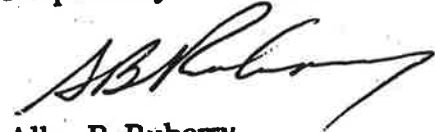
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MAY 18 2007

.....
**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"

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MAY 18 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 19, 1989

K. Merle Jeppesen
434 Morgan Dr.
Rexburg, ID 83440

RE: Water Right Claim A22-04195

Dear Mr. Jeppesen:

After submitting the amendment for Water Right Claim A22-04195, the total acreage irrigated is 555 acres (see enclosed copy). 540 acres of the irrigation have been previously paid on claims A22-04195 and A22-00265E (Receipt Numbers E000357 and E002058). \$15.00 is due for the additional 15 acres.

Please send a \$15.00 payment for the additional acreage to my attention at the Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83401, so we may accurately update the records. If you have any questions, please give me a call at 1-525-7161.

Sincerely,

Tony Olenichak
Senior Water Right Agent

Enclosure

SCANNED

MAY 18 2007

MICROFILMED

OCT 29 1992

J. Elmo Jeppesen
Rt. #2,
Rexburg, Idaho.

20036

**Application For Permit
To Appropriate the Public Waters of the State of Idaho**

APPLICATION No. 37004
PERMIT No. 29036
DISTRICT No.

1 Name of Applicant: J. Elmo and Keith Jeppesen

Postoffice address: Rexburg

County: Madison

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 8.0

cubic feet per second.

3. Source of water supply: Moody Creek

which is a tributary of Teton River

4. Location of point of diversion:

feet distant from the

corner of Section

T. 5 N. R. 41 E.

B.M. and is in the

SW 1/4 Sec. 16

SE 1/4 Sec. 21

of section

T. 5 N.

R. 41 E.

B.M. County of

Madison

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T.

R.

B.M. in the

of Section of

T.

R.

B.M.

(b) Amount of power generated:

H.P. under

feet head.

(c) Water is to be returned to

at a point

distant from the

corner of Section

T.

R.

B.M. in the

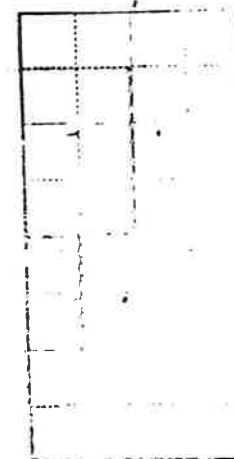
of Section

T.

R.

B.M.

7. Estimated cost of works, \$ 50,000



MAY 18 2007

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T₁ R₁ B.M.₁ in the of Section of T₂ R₂ B.M.
(b) Amount of power generated: H.P., under feet head
(c) Water is to be returned to at a point feet
distant from the corner of Section T₁ R₁ B.M.₁ in the
of Section T₂ R₂ B.M.

7. Estimated cost of works \$ 50,000

8. Kind of works: Pumps, pipe and sprinkler system

9. Height of dam none feet; length of dam at top feet; length of dam at bottom feet;
material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume

Diameter of pipe 4 to 12 inches; length of conduit 5 miles

Average grade per mile feet

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years

14. The land to be irrigated is described in the following tabulation: See remarks

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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MAY 18 2007

16. (a) Is reservoir to be used? **Not known** If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

J. Elmo and Keith Jeppesen *Applicant*

By *s/ J. Elmo Jeppesen* *Agent*

Date of first receipt at Department of Reclamations: **11:00 A.M. September 13, 1960**

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **29036**
Recorded in Book **102** Page **29036** Approved **September 21, 1960**

This is to certify that I have examined the within application for a permit to appropriate the public water of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before **November 21, 1960** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control

One-fifth of the work above specified to be completed on or before **March 21, 1963**

The whole of said work to be completed on or before **September 21, 1965**

Beneficial use of water appropriated in accordance herewith, to be made on or before **September 21, 1971**

WITNESS My hand this **21st** day of **September**, 1960

s/ GED. W. CARTER
State Reclamation Engineer

IN TESTIMONY WHEREOF, WE

ROBERT E. SMYLIE

Governor of the State of Idaho

and **ARNOLD WILLIAMS**

Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this **21st**

day of **September**, 19 **60**

STATE OF IDAHO

Countersigned:

SEAL: By *s/ ARNOLD WILLIAMS*

By *s/ ROBERT E. SMYLIE*

Governor

REMARKS: **Reservoir application will be submitted if survey shows it is feasible**

SCANNED
MAY 18 2007

Governor of the State of Idaho,

day of **September** 19 **60**
 Countersigned:

Re s/ ROBERT E. SHYLIE

11.

[illegible]

MAY 18 2007

MAY 18 2007

SCANNED

NAME OF APPLICANT J. Elva and Keith Jeppesen

Form No. 0

R41E

15

17

Point of
Diversion

Point of
Diversion

19

20

21

29

28

Permit Map No. 29836

As Approved SEP 21 1960

GEO. N. CARTER

Reclamation Engineer

CORRECTIONS CODED
7/19/89 X.O.

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: A22-04195
Date Received: ~~6/08/1988~~ 7/17/89
Receipt No: E009572
Received By: T.O.

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MERLE K. JEPPESEN
Address: 434 MORGAN DRIVE
REXBURG, ID

208-356-3638

83440

2. Date of Priority: JUL 15, 1965

3. Source: MOODY CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	41E	21	SE	NW			MADISON

5. Description of diverting works:
2 PUMPS TO MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 1225.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

16 SE SW.

30 Acres.

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	41E	20	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A22-04195

Page 1

Date: 04/21/89

SCANNED

MAY 18 2007

MICROFILMED

OCT 29 1992

A2204195



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	41E	20	SE		NE		IRR	40.0
			SW		NW		IRR	35.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
Section Acres								390.0
		21	NE		NW		IRR	20.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	10.0
			NW		SW		IRR	25.0
Section Acres								135.0
Total Acres								525.0

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:
A22-00265E.

14. Remarks:

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): K. Merle Jansson Date: July 14 1989

Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of July 19 89

Seal

Thurman W. Gamm
Notary Public

Residing at Rexburg Idaho
My Commission Expires 10-1-91

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: A22-04195
Date Received: 6/08/1988
Receipt No: E000357
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE K. JEPPESEN 208-356-3638
Address: 434 MORGAN DRIVE
REXBURG, ID 83440

2. Date of Priority: JUL 15, 1965

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	41E	21	SE		NW		MADISON

5. Description of diverting works:
2 PUMPS TO MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 1225.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	41E	16	SE	SW		IRR	30.0
Section Acres							30.0

A22-04195

Page 1

Date: 06/08/88

SCANNED
MAY 18 2007

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OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	41E	20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	400.0
		21	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NW		SW		IRR	20.0
							Section Acres	100.0
							Total Acres	530.0

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:
A22-00265E.

14. Remarks:

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

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): Merle J. [Signature] Date: _____
_____ Date: _____

State of Idaho

County of Bonneville)
SS.

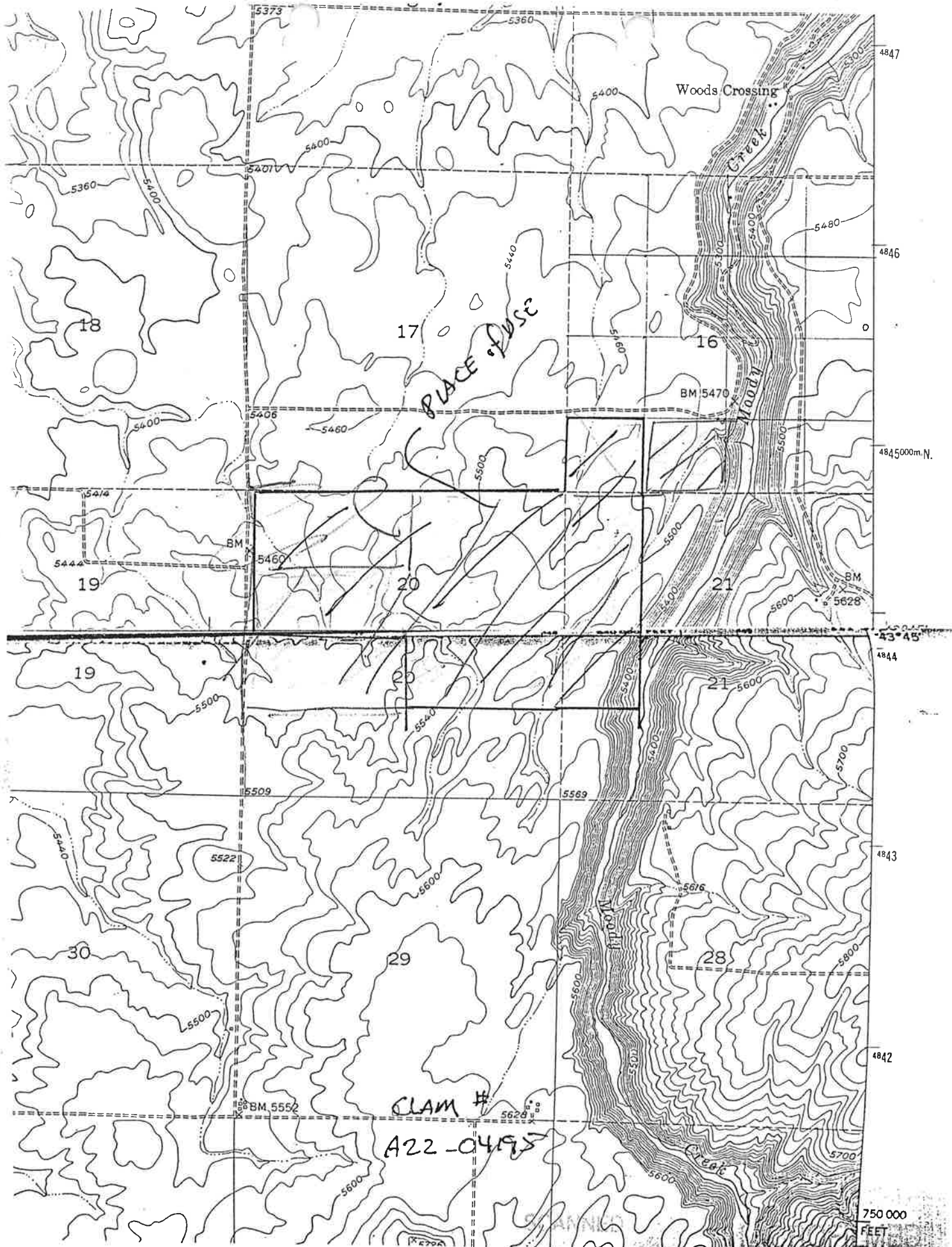
Subscribed and sworn (or affirmed) before me this 8th day
of June 19 88

[Signature]
Notary Public

Seal

Residing at Rigby

My Commission Expires 4-22-1994



MAY 18 2007

OCT 29 1992