06/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7095A

NAME AND ADDRESS: LARRY E BURNS
721 W MAIN
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.550 CFS
565.200 AFY

PRIORITY DATE: 07/08/1974

POINT OF DIVERSION:

T06N R44E S10 SWNE Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	1.550 CFS 565.20 AFY

PLACE OF USE: IRRIGATION Within TETON County

T06N R44E S10	NENE	40.00	T06N R44E S10	SENE	40.00
T06N R44E S10	NESE	40.00	T06N R44E S10	NWSE	39.00
T06N R44E S10	SWSE	40.00	T06N R44E S10	SESE	40.00

239 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

11/22/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7095A

LARRY E BURNS
721 W MAIN
REXBURG ID 83440
Telephone Number: (208)356-3103

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

✓ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 12-1-06 **SIGNATURE:** Larry E Burns

Please print your name: LARRY E BURNS

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

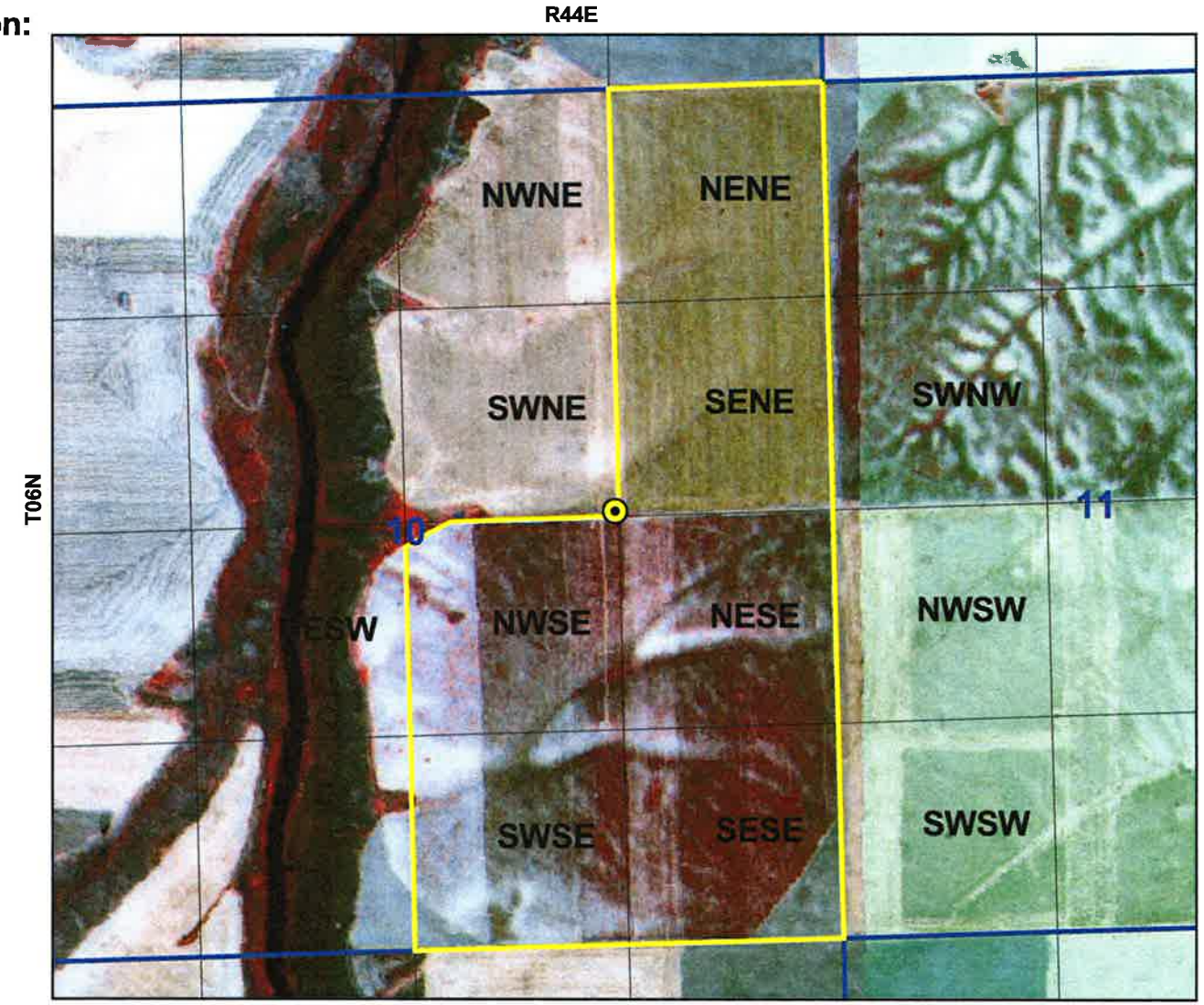
KMO 12/11

Idaho Department of Water Resources

SRBA Recommendation:

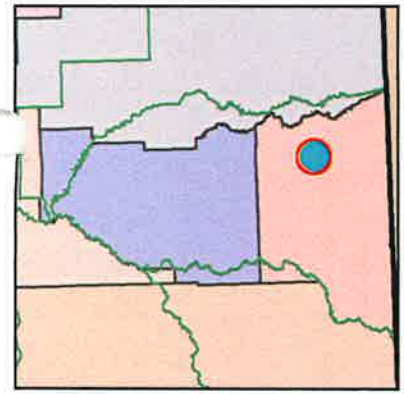
22-7095A

(Irrigation)



Legend

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



Teton County
IDWR Basin 22

N

Prepared by J. Crabtre
On Wednesday, November 22, 2006
1987/88 Aerial Photography

12/15/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

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LARRY E BURNS
721 W MAIN
REXBURG ID 83440
Telephone Number: (208)356-3103

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X **I AGREE with this proposed recommendation: no changes need to be made**

DATE: 6-8-05 **SIGNATURE:** Larry E Burns

Please print your name: Larry E Burns

IDWR Regional Office,

RECEIVED
JUN 20 2005
Department of Water Resources
Eastern Region

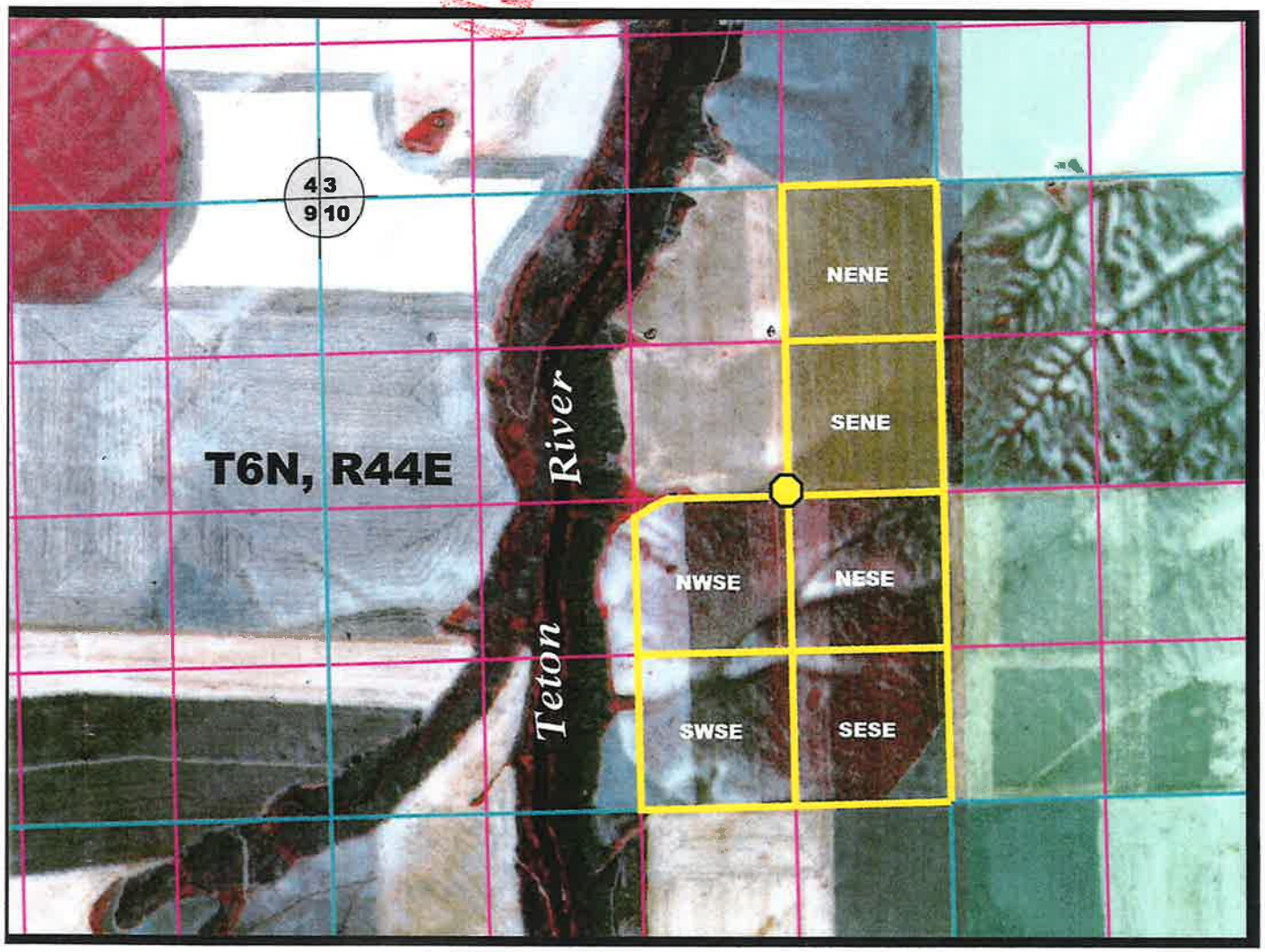
SCANNED
JUN 21 2005

PROFILED

KWS 4/21

State of Idaho
Department of Water Resources
Eastern Region

SCANNED MAY 25 2005



Water Right(s):
22-7095A

Point(s) of Diversion:
T6N, R44E
Sec. 10 SESWNE

Place of Use: T6N, R44E
Sec. 10 E2E2, W2SE

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: December 2004

IDWR Field Exam Form

02/26/2004

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip

Current Owner: LARRY BURNS Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

LICENSED 2 July, 1986, AS: 4.17 cfs ON 640 AC, 8 July, 1974

SPLIT/CLAIMED AS: 22-7095A, 1.55 cfs ON 239± AC

22-7095B, 2.51 cfs ON 385± AC

4.06 624

UNDERCLAIMED BY: 0.11 cfs AND 16± AC

X I'D BET A DAYS PAY THIS WELL IS PRODUCING ANY MORE THAN 1.55 cfs ON 239 AC = (0.006485356 cfs/AC). NOT EVEN AN INCH AS SPLIT - NO OTHER RIGHTS KNOWN

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 25 2005

IDWR Field Exam Form

02/26/2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ **Water Right Basis:** _____

Claimed Priority Date: 7/08/1994 **Claimed Basis:** Bond Use

Recommended Priority Date: " **Recommended Basis:** "

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES Lic.

Claimed in error as Bond Use - Recommend as License.

Reviewer: _____ **Date:** _____

PROTEST

SCANNED

MAY 25 2005

Water Right No(s). _____

See Attached Photos

GPS DATA:

Tag # A0f/143866 Location: Power Box

Diversion Data:

Source: Ground Water Trib to: _____

MOTOR

Make: U.S. Motor Model: _____ Hp: 350

ID# ~~SN:~~ C522924-493

PUMP

Make: Johnston Model: _____ Disch: _____

SN: _____

NOTES:

_____

_____

_____

_____

_____

Field Exam Date: _____ Agent: _____

SCANNED

MAY 25 2005

PROFILED

IDWR Field Exam Form

02/26/2004

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T ____, R ____, Sec. ____, ____, ____, ____, County: _____

Source: _____ Tributary to : _____

Water Right Point of Diversion: T ____, R ____, Sec. ____, ____, ____, ____, County: _____

Source: _____ Tributary to : _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
06N	44E	10		NE SE	Teton	ground	

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
06N	44E	10		SESWNE	Teton	ground	

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified: GPS puts POD in SESWNE Sec. 10 Remarks cp3

Reviewer: _____ Date: _____

PROFILE

SCANNED

MAY 25 2005

IDWR Field Exam Form

02/26/2004

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres 239

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acre s	Purpose of Use

Total acres 239.0 GIS

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: C Adams / GBS shows 239.0 ac. So Recommended

Reviewer: _____ Date: _____

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MAY 25 2005

IDWR Field Exam Form

02/26/2004

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/15	1.55	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/15	1.55	565.24

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

AFA from Lic. 1513.6 ÷ 640 AC = 2.365 X 237.5 = 561.6025

SOU on Lic.

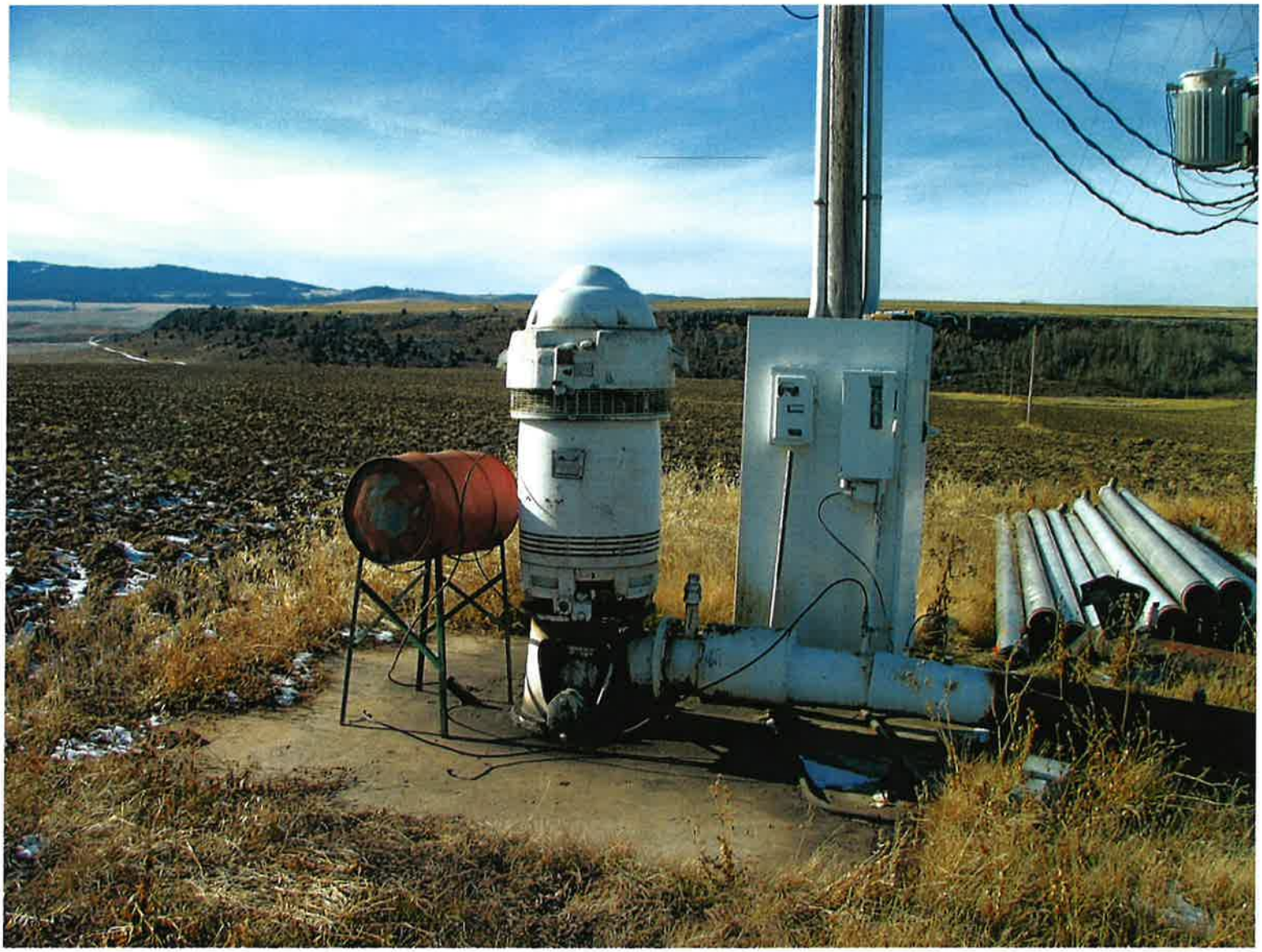
Reviewer: _____ Date: _____

SCANNED

MAY 25 2005

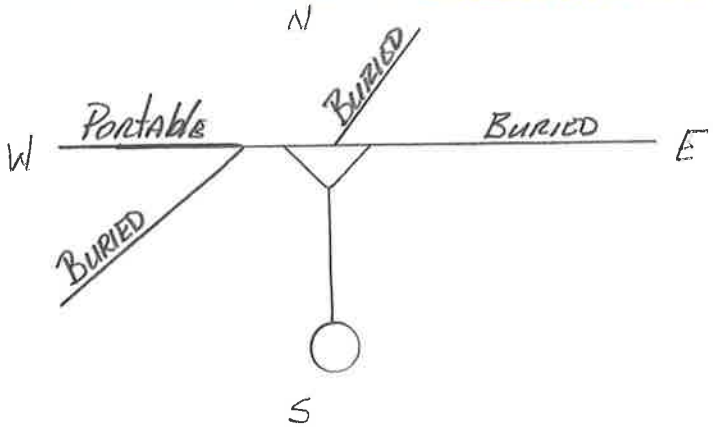
PROFILED

Tag on Power Box.



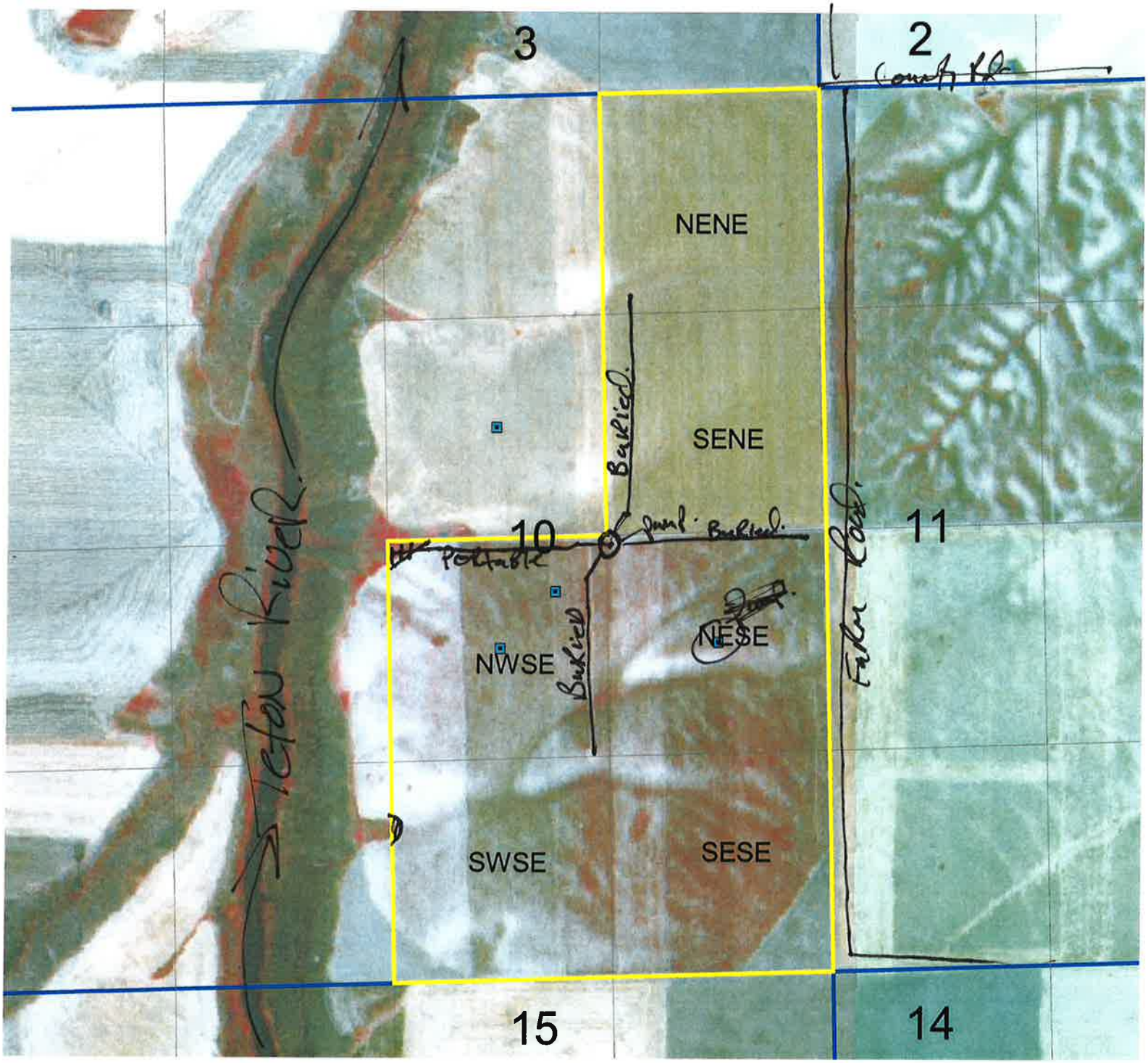
SCANNED
MAY 25 2005

PROFILE



PROFILE
SCANNED
MAY 25 2005

22-7095A



PROFILED

SCANNED

MAY 2 5 2005

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7095 Priority July 8, 1974 Amount 4.17 cfs

THIS IS TO CERTIFY, that Larry E. Burns

of Rexburg, Idaho, has complied with the terms and conditions of Permit No. 22-7095 issued pursuant to Application for Permit dated July 8, 1974, and has submitted proof to the Department of Water Resources on June 7, 1979, that he has applied water to a beneficial use, an examination by the Department indicates that the works have a capacity for the diversion of 4.17 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 15	to October 15	at 4.17	cfs and	1513.6 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 4.17 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1513.6 acre feet per year, said waters to be diverted within the NW¼SE¼, Section 10, Twp 6N, Rge 44E in the County of Teton.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	44E	10	40	30	36	40					6			10	40	39	40	40	321
		11					40	39	40	40	40	40	40	40					319

Total number of acres irrigated 640

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MICROFILMED

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of July, 19 86.

Acting for the Director Norman C Young

OK

Form 219
12/79

RECEIVED
JAN 20 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Department of Water Resources

22-7095
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 9 Aug 1982 Accompanied by Denny Arnold Total Q measured 4.17cfs ✓

If source is surface water, estimate total flow of source

Methods of measurement Annubar # 191147 (10.02") Meter # 0914473 Meets Permit requirements?

Measurement calculations:
23" of water Correction Y = 1.0365(23) - 0.4127
Y = 23.4268
$Q = \frac{3.65(1.902)^2\sqrt{23.4268}}{4.48.5} = 4.17$cfs ✓ capacity

Q Limited by capacity

V = 640ac × 3.0afa = 1920afa ✓

V = 4.17cfs × 1.9835 × 183days = 1513.6afa ✓

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	350	US Motors	C522924-493	Johnston	N/A	Annubar # 191147	Good	

System Description well pump mainline to center pivots and handlines with sprinklers

*Code with map on reverse side. Disregard code if only one.

183days

RECOMMENDED AMOUNTS

Irrigation requirement = 3.0 ✓ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation ✓	4.17cfs ✓	1513.6afa ✓	4/15 ✓	10/15 ✓
Total	4.17cfs ✓	1513.6afa ✓	~~4/15~~	~~10/15~~

Remarks (Permit 22-7248 Relinquished)

P/D overlap per VAX 4/28/86: none

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MAP (Attach Aerial Photo)

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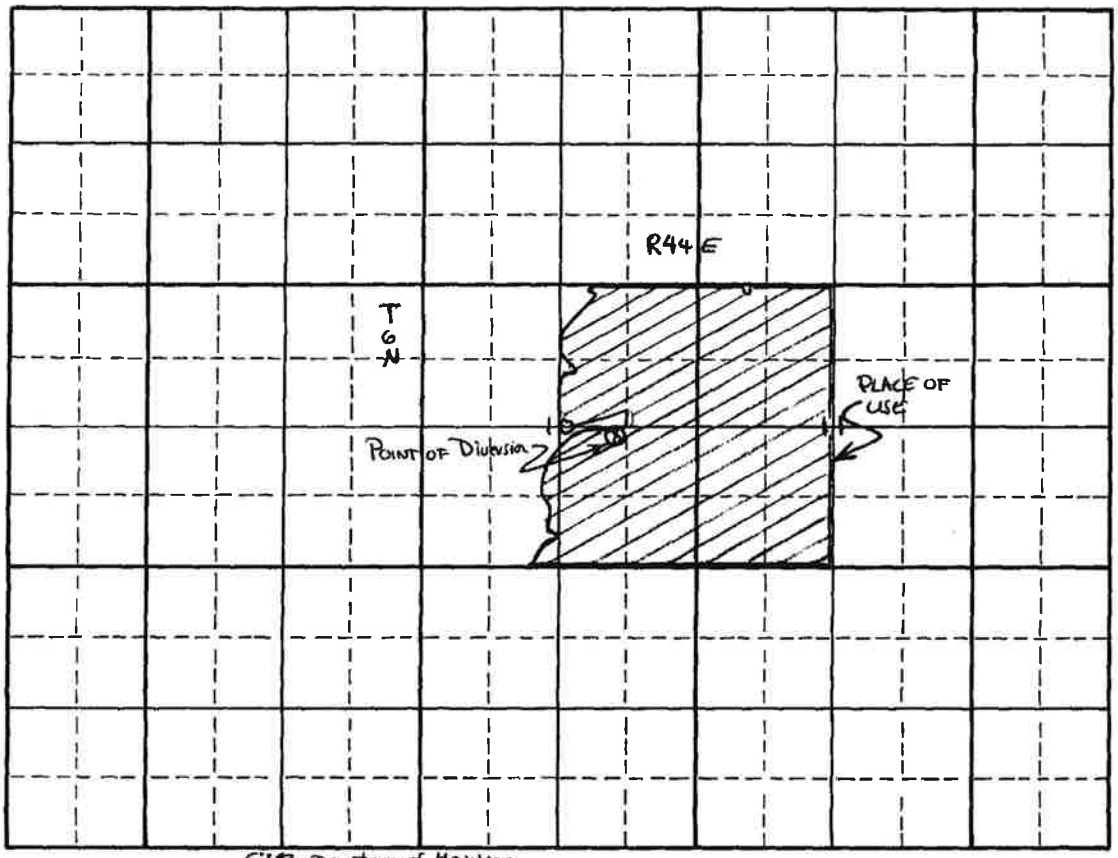
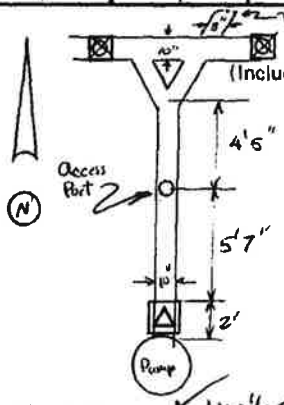


SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW1/4 SE1/4 Sec 10 T 6N R44E

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	44E	10	40	30	36	40					6			10	40	39	40	40	321 ✓
		11					40	39	40	40	40	40	40	40					319 ✓

640 ✓

Recommended Amendments:

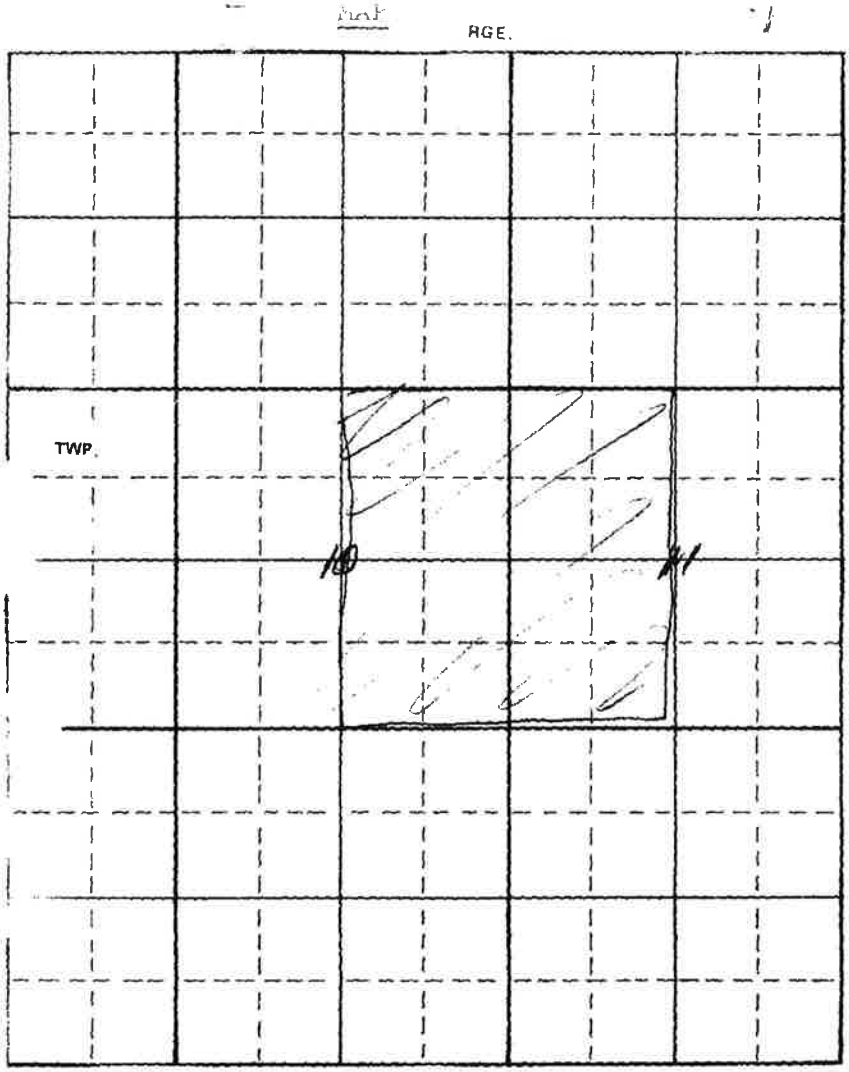
☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other _____

Examiner's Signature Scott Cyphers Date 11 Jan 1984

Checked by JW mp Date 1-16-84

Approved by Kay E. Walker Date 4-28-86



RECOMMENDED AMENTMENTS:

☐ Change P/D ☑ Change P/U

☐ ADD P/D ☐ ADD P/U

☐ NONE ☐ Other _____

_____

PERMIT NO. 22-7095 Larry (Name)

EXAMINATION: DATE: 8-9-82 Accompanied by: Dennis Arnold Dennis Arnold

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
US	350	C522924-993	Johnston	N/A

Measuring Device Type:

Meter # Annubar# 19147 Size # 10.02

Remarks: Clo McCormick 7-10-2043

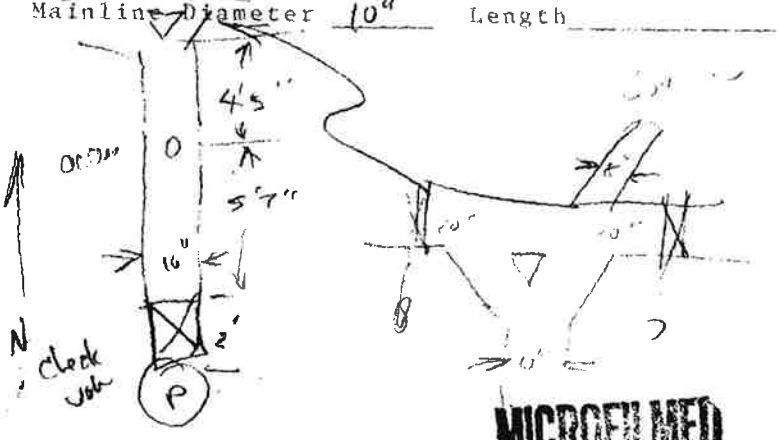
Measurement calculations:

23'

Will amend permit

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter 10" Length



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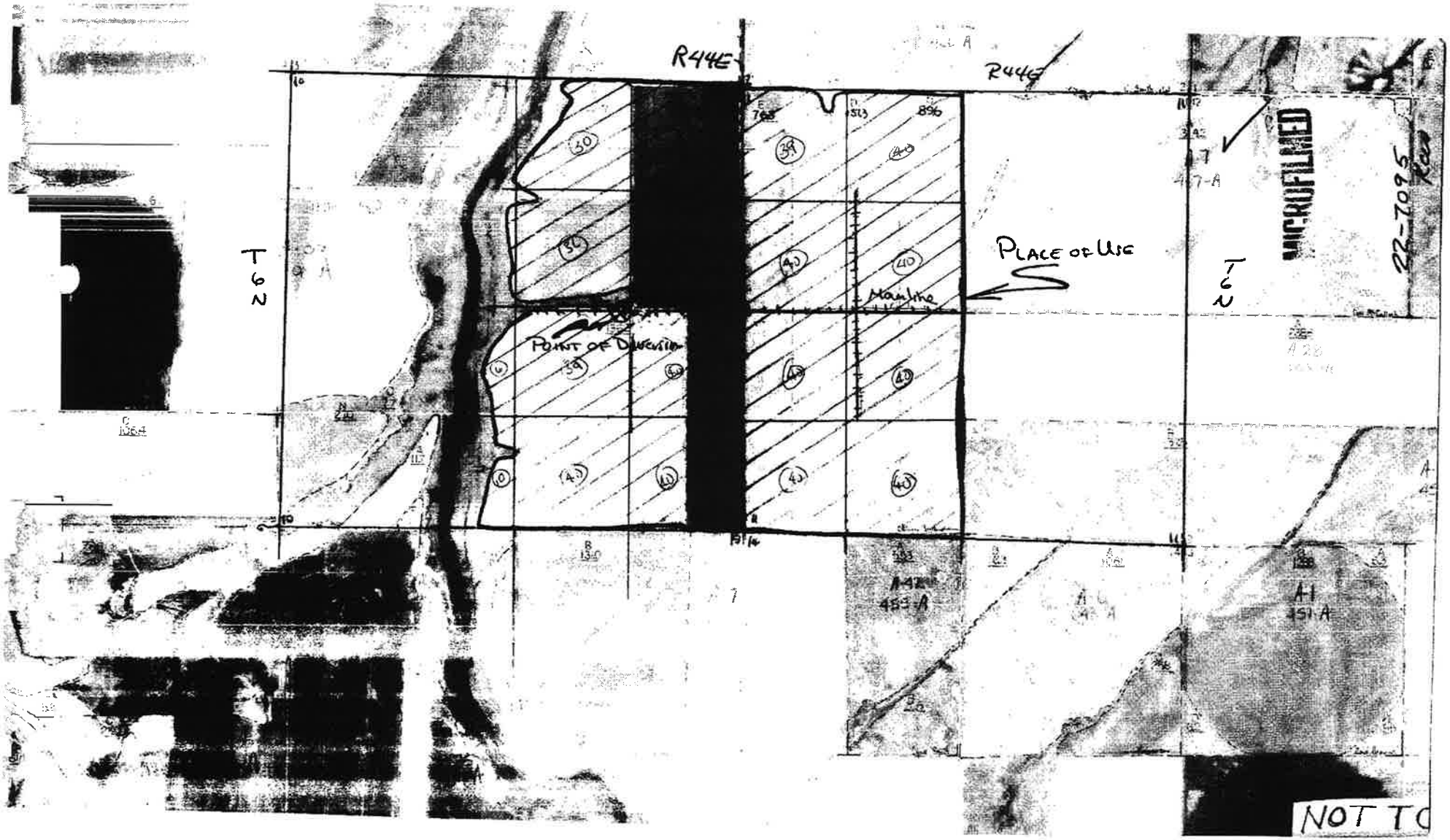
R44E
R44E
T6N
T6N
PLACE OF USE
POINT OF DIVERSION
Mainline
MICROFILMED
22-7095
NOT TO

Call Larry - about meeting to discuss issues of wells

Land sold? Land leased?

Water right for land next to N-5 Road

Mainline on east of road

#1 well - 2400-2600 gpm

#2 well - 1000 gpm (1970)

#3 well - 1400 gpm (1975)

HWJ

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: **A22-07095A**
Date Received: 5/26/1988
Receipt No: E000277

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: LARRY E. BURNS 208-356-3103
   Address: 721 WEST MAIN
   REXBURG, ID 83440

2. Date of Priority: JUL 08, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	44E	10	NE SE		TETON

5. Description of diverting works:
   WELL AND PUMP TO TWO PIVOTS AND HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.550		

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

8. Total consumptive use is 478.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	44E	10	NE NE		IRR	40.0
			SE NE		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	39.0

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MAY 25 2005
MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	44E	10	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	239.0
						Total Acres	239.0

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:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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MAY 25 2005
MICROFILMED
OCT 29 1992

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 X 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): Larry E Burns Date: 5-26-88

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 26th day of May 19 88

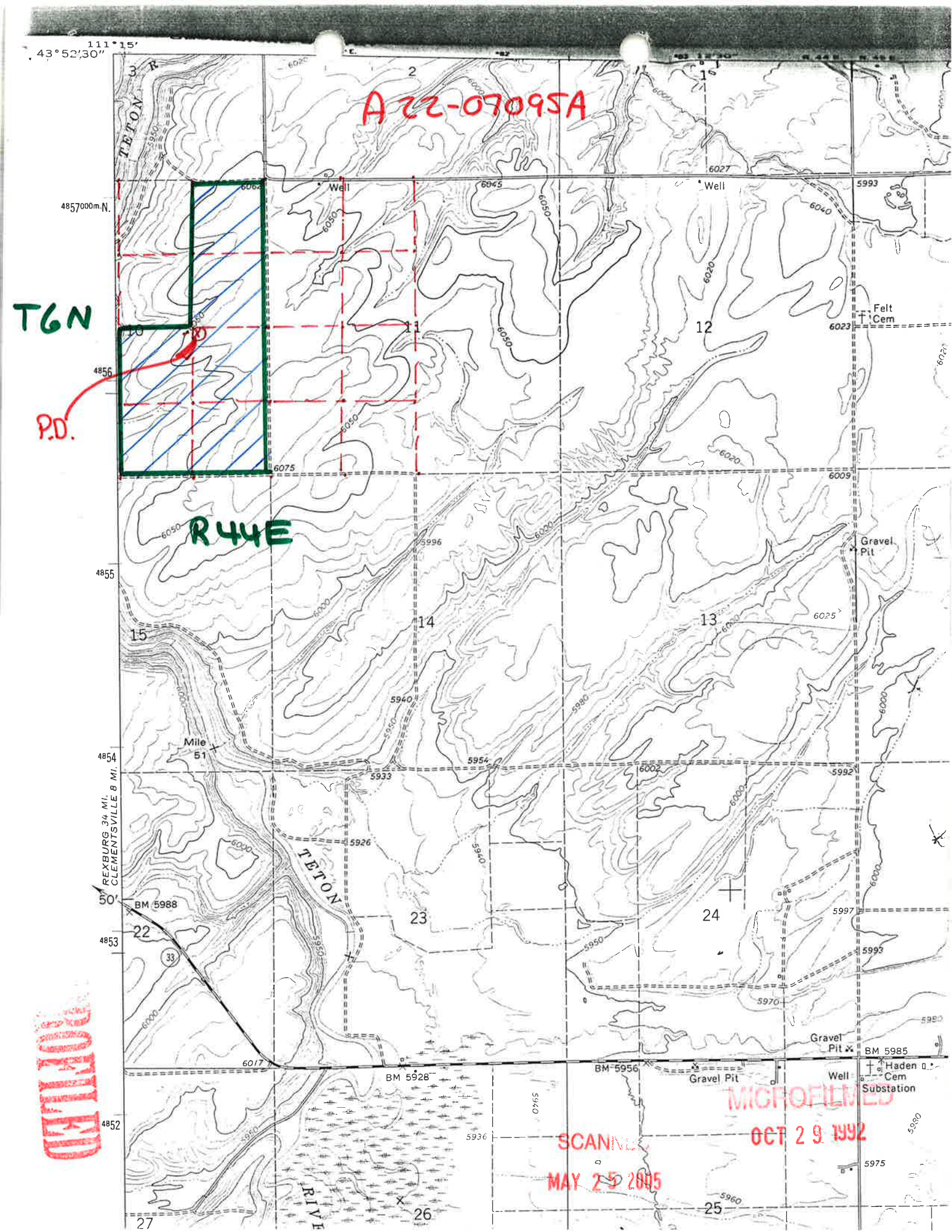
Seal

Colleen Wray
Notary Public

Residing at Idaho Falls

My Commission Expires 5/29/1991

SCANNED
MAY 25 2005
MICROFILMED
OCT 29 1992
PROOF



MICROFILMED
OCT 29 1992
SCANNED
MAY 25 2005