

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7171

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

CREATED BY

JUL 02 2008

J LARSEN

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
1,428.00 AFY

The rights listed below are limited to a total combined diversion rate of 5.28 cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171

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

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PRIORITY DATE: 01/20/1976

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.880 CFS 1,428.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENW	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00
T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u> ~~14.00~~			

785 ~~787~~ ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of ~~787~~
785 acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019,
22-7171

This right is limited to the irrigation of 380 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.

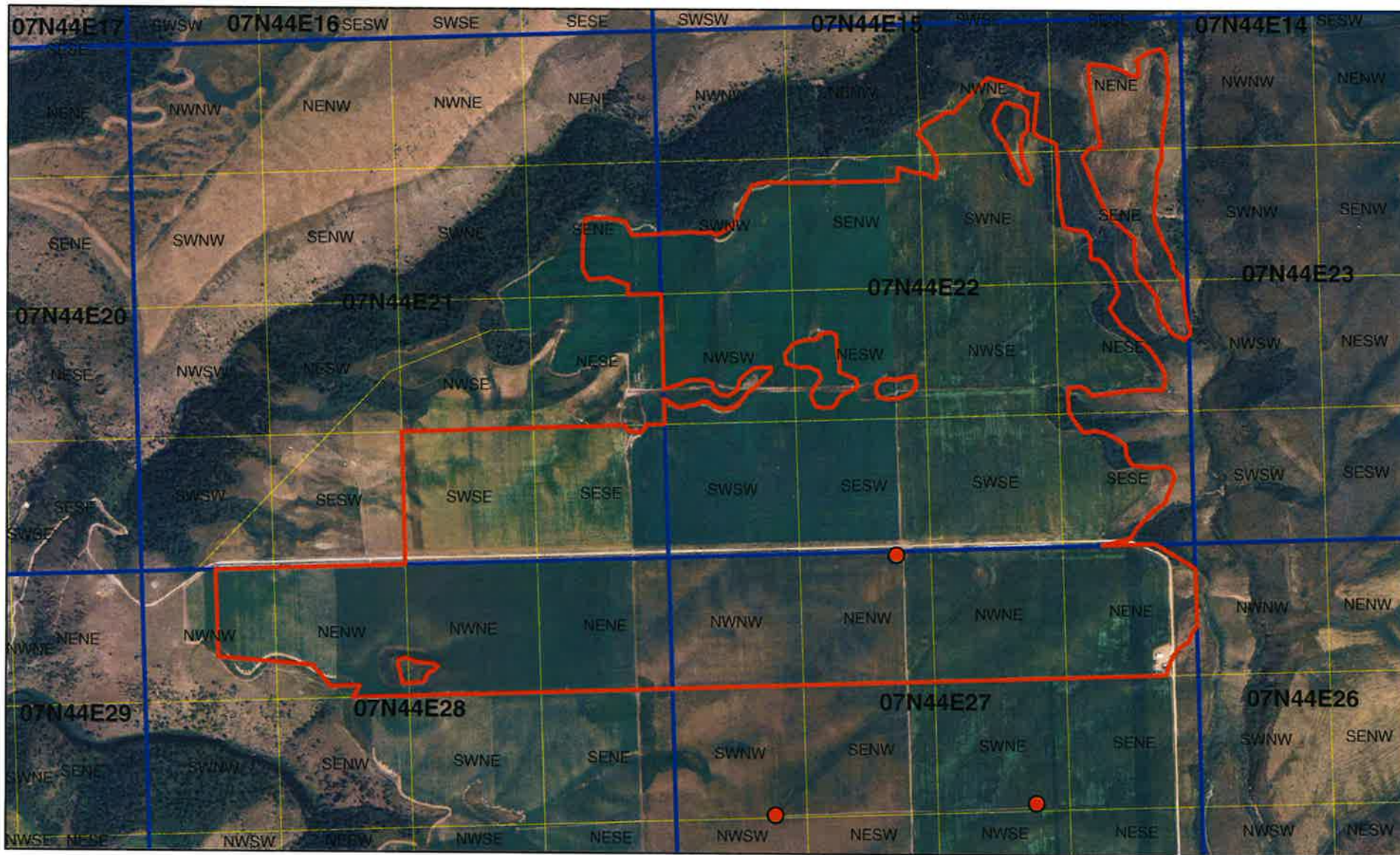
A measuring device of a type approved by the Department shall be
permanently installed and maintained as part of the diverting works.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to
Section 42-1426, Idaho Code.

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

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



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



0 0.125 0.25 0.5 0.75 1 Miles

Legend

- PODs
- PPU



Idaho Department of Water Resources

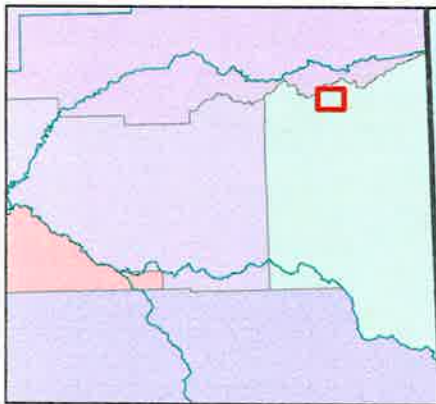
Adjudication Recommendation

22-7171

(IRRIGATION)

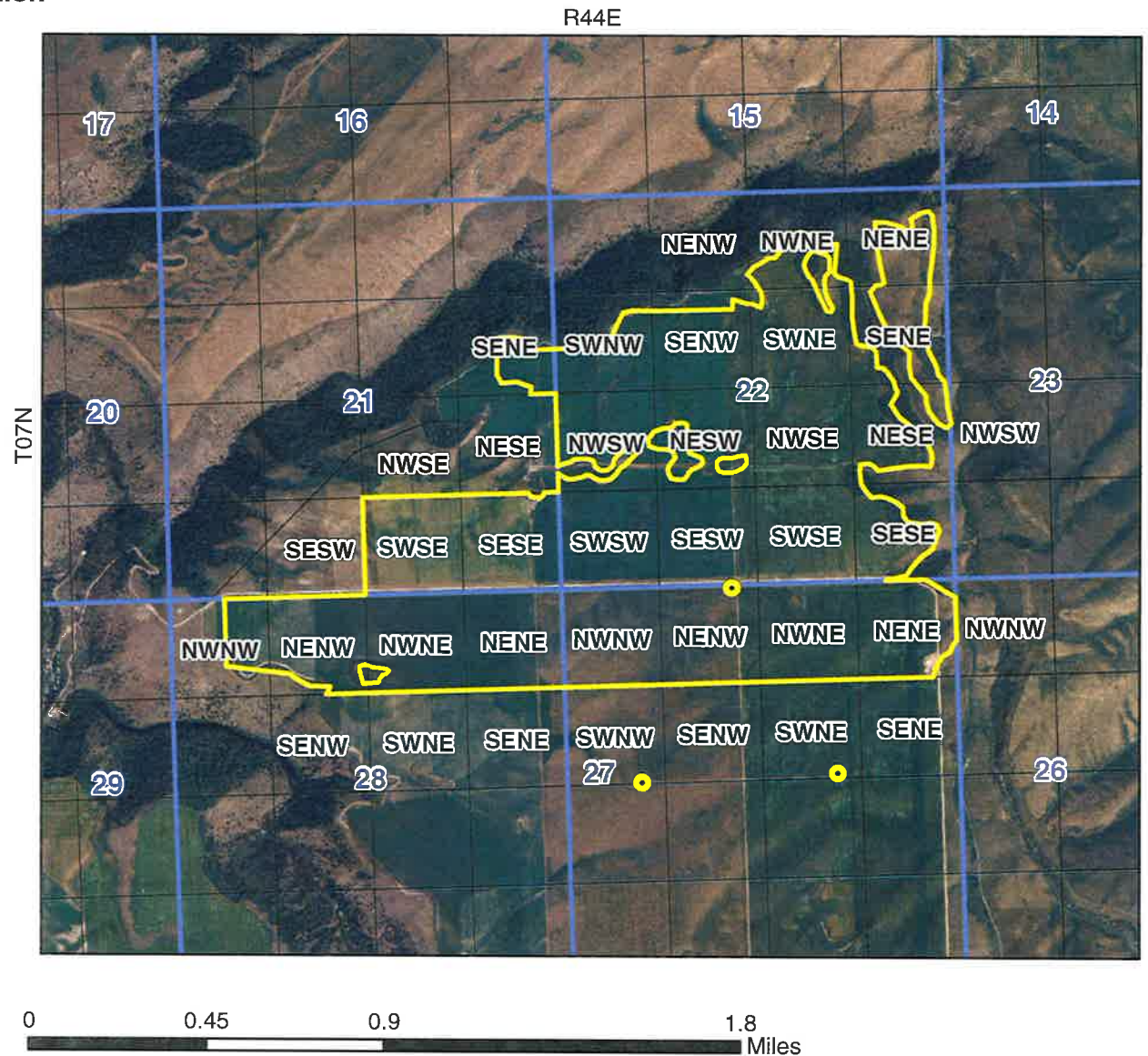
Legend

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



**Teton County
IDWR Basin 22**

Prepared by Denise Kidman
On March 09, 2010
2004 Aerial Photography



RECEIVED

JUL 26 2007

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase

22-7171

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

Name & Address of Attorney, if any:

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

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

Name: Dennie K Arnold

Janet Arnold

Address: 1045 N Hwy 32
Felt, ID 83424

1045 N Hwy 32
Felt, ID 83424

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

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

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

State of Idaho)
) ss.
County of Ada)

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

JUL 24 2007



Notary Public for: Idaho
Residing at: Mendham
My Commission Expires: 6.2.2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on JUL 25 2007, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

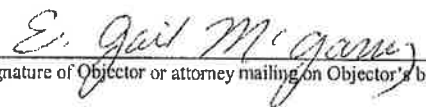
Janet Arnold
1045 N Hwy 32
Felt, ID 83424

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment 1 - 22-7171

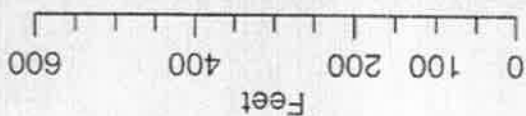
POU's on BOR

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

UNAUTHORIZED POUs ON BOR LAND:

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

The author, the Bureau of Reclamation, nor any other party involved in preparing the material and data displayed here warrant or represent that the information is in every respect complete and accurate and are not held responsible for errors or omissions. Property boundaries, if shown, are for reference only.



☐ U.S. Lands
☐ Unauthorized, remove from WR



Water Right Claim 22-7171
 NNW & NENW Sec 28 T7N R44E

7-12-06

- license 22-7171 is for 408 acres which overlap the 380 acres for 22-7019.
- claim 22-7171 claims 418 acres which is 10 acres over the license
- Enlargement 418S was filed for 390 acres
- Complete irrigated acres = 787 acres

licensed acres = 408
total " = 787

$787 - 408 = 379$ acres enlargement.

- 379 acres gets $379 \cdot 3.5 \text{ aF} = 1326.5 \text{ afa}$
- 1326.5 combined with the 1224 limit as stated in 22-7171 ~~license~~ license
 $= 1326.5 + 1224 = \underline{2550.5 \text{ afa}}$ for Permissible Place of use.

TH

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AUG 07 2007

AUG 6 7 2007

SCANNED

26

— together license 7171 for 88 and
license 27-7019 for 1405 = 5.28 dk
total. PPV will be limited to that total.

7-12-06

Claim no. A2207171

Claimant Contact Log

Date Remarks Agent initials

6/15/04 Left message on ans. machine DO

6/22/04 Met with Dannie Arnold at
his residence & we discussed
all of the ground he operates and
the wells he uses.

In particular, we talked about needed
evidence of priority for claim #4185 and
for ground that he irrigates that does
not have a water right.

Please refer to Claim #22-07033
(Larry Burns) for map and other
related info.

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AUG 07 2007

AUG 07 2007

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Need letters of proof of beneficial
use -
8/12/04
8/12/04

Darnold well #3 GPS# A0013610

7/13/2004 8:12:16 AM; ABR



DArnold W-2 GPS# A0014300

7/13/2004 11:45:14 AM; ABR



DArnold well #1 GPS TAG # A0013822

7/13/2004 7:52:02 AM; ABR



DArnold well #1

7/13/2004 7:52:34 AM; ABR





DArnold manifold (40psi all points)

7/13/2004 8:18:10 AM; ABR

22-7171



AFFIDAVIT

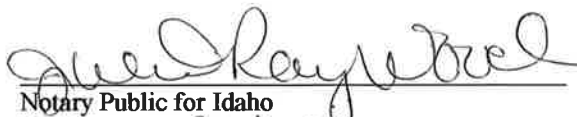
STATE OF IDAHO)
 : ss.
County of Teton)

I, Larry Burns, 721 W Main St , Rexburg, Idaho, having lived and farmed in Felt, Idaho, during the farming season most of my life, do attest that the following described land was irrigated from the Smith wells through the period 1975 to 1987 depending on crop rotations: N1/2 S1/2N1/2 & N1/2 N1/2 Sec 34 ; NE1/4 NW1/4; S1/2NW1/4; SW1/4; NW1/4 NW1/4 Sec 35; SE1/4SE1/4 Sec 28; SE1/4, NE1/4SW1/4, S1/2SW1/4 Sec 27 T7N R44E. Also, the following property was irrigated in 1977 thru 1980 from the Larry Burns well: NE ¼ Sec 15; W1/2NW1/4 Sec 14 T6N44E.


Larry Burns

Date 30/June/2004

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th day of JUNE 2004.


Notary Public for Idaho
Residing at: Pringle
My Commission Expires: 7/1/2008



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AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Teton)

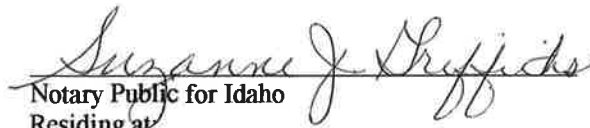
I, Bruce J. Arnold, 388 W Wells Ave , Felt, Idaho, 83424, having lived in Felt, Idaho, most of my life, and having involvement with the Arnold Farm from 1968 thru 1982 do attest that the following described land was irrigated from the Smith wells through the period 1975 to 1987 depending on crop rotations: N1/2 S1/2N1/2 & N1/2 N1/2 Sec 34 ; NE1/4 NW1/4; S1/2NW1/4; SW1/4; NW1/4 NW1/4 Sec 35; SE1/4SE1/4 Sec 28; SE1/4, NE1/4SW1/4, S1/2SW1/4 Sec 27 T7N R44E. Also, the following property was irrigated in 1977 thru 1980 from the Larry Burns well: NE ¼ Sec 15; W1/2NW1/4 Sec 14 T6N44E.


Bruce J. Arnold

6-25-04 Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th day of June 2004.




Notary Public for Idaho
Residing at:
My Commission Expires:

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AUG 07 2007

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07171

Priority: January 20, 1976

Maximum Diversion Rate:

0.88 CFS

This is to certify, that KEITH J. ARNOLD & SONS INC.

P.O. BOX 4

FELT, ID 83424

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 20, 1976; and has submitted Proof of Beneficial Use on December 22, 1980. An examination indicates that the works have a diversion capacity of 5.280 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.88 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 27, Township 07N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	44E	21	SWSE 39	SESE 38		77
		22	NWSE 40	SWSE 39	SESE 19	98
		27	NENE 38	NWNE 39	NENW 39	
			NWNW 39			155
		28	NENE 39	NWNE 39		78

Total number of acres irrigated: 408

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. The maximum combined annual volume of water under this right & Right 22-7019 shall not exceed 1224.0 afa.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 29TH day of NOVEMBER, 1989.

RECORDED

DEC 14 1989

Acting for

R. Keith Higginson, Director

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: A22-07171
Date Received: 9/30/1988
Receipt No: E002798
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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



2. Date of Priority: JAN 20, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.080		

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

8. Total consumptive use is 836.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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AUG 07 2007

MICROFILMED
OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	44E	21	SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	77.0
		22	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	19.0
						Section Acres	98.0
		26	NW	NW		IRR	10.0
						Section Acres	10.0
		27	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	39.0
						Section Acres	155.0
		28	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
						Section Acres	78.0
						Total Acres	418.0

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:
A22-07019

14. Remarks:

P/D SAME FOR A22-07019/04185.
THE RATE OF DIVERSION AND THE ANNUAL VOLUME UNDER THIS RIGHT
SHALL BE APPURTENANT TO THE PLACE OF USE SO THAT EACH IRRIGATED
ACRE WILL RECEIVE AN EQUAL PORTION OF WATER WHEN ALL RIGHTS
APPURTENANT TO THE PLACE OF USE FROM THE SAME SOURCE ARE
CONSIDERED CUMULATIVELY.

15. Basis of Claim: PERMIT

A22-07171

Page

2

Date: 09/30/88

SCANNED
AUG 07 2007

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Deane K. Arnold Date: 9-30-88

Date: _____

State of Idaho)
County of Bonneville) SS.

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

Betty J. Thompson
Notary Public

Residing at Idaho Falls

My Commission Expires 6/94



SCANNED
AUG 07 2007

R44E

T7N

22

PLACE OF USE



POINT OF DIVERSION

27

26

MICROFILMED

OCT 29 1982

A22-07171